



# Inheritance Tax Act 1984

## 1984 CHAPTER 51

### PART VIII

#### ADMINISTRATION AND COLLECTION

##### *Management*

#### **215 General.**

The tax shall be under the care and management of the Board.

##### *Accounts and information*

#### **216 Delivery of accounts.**

- (1) Except as otherwise provided by this section or by regulations under section 256 below, the personal representatives of a deceased person and every person who—
- (a) is liable as transferor for tax on the value transferred by a chargeable transfer, or would be so liable if tax were chargeable on that value, or
  - (b) is liable as trustee of a settlement for tax on the value transferred by a transfer of value, or would be so liable if tax were chargeable on that value, or
  - <sup>[F1]</sup>(bb) is liable under section 199(1)(b) above for tax on the value transferred by a potentially exempt transfer which proves to be a chargeable transfer, or would be so liable if tax were chargeable on that value, or
  - (bc) is liable under section 200(1)(c) above for tax on the value transferred by a chargeable transfer made on death, so far as the tax is attributable to the value of property which, apart from section 102(3) of the Finance Act 1986, would not form part of the deceased's estate, or would be so liable if tax were chargeable on the value transferred on the death, or]
  - <sup>[F2]</sup>(bca) is liable under section 200(1A) or 210(2) [<sup>[F3]</sup>or (3)] above for tax in respect of any amount, or would be so liable if tax were chargeable in respect of that amount, or]

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- [<sup>F4</sup>(b)] is liable under section 201(1)(b), (c) or (d) above for tax on the value transferred by a potentially exempt transfer which is made under section 52 above and which proves to be a chargeable transfer, or would be so liable if tax were chargeable on that value, or]
- (c) is liable as trustee of a settlement for tax on an occasion on which tax is chargeable under Chapter III of Part III of this Act (apart from section 79), or would be so liable if tax were chargeable on the occasion,
- shall deliver to the Board an account specifying to the best of his knowledge and belief all appropriate property and the value of that property.
- (2) Where in the case of the estate of a deceased person no grant of representation or confirmation has been obtained in the United Kingdom before the expiration of the period of twelve months from the end of the month in which the death occurred—
- (a) every person in whom any of the property forming part of the estate vests (whether beneficially or otherwise) on or at any time after the deceased's death or who at any such time is beneficially entitled to an interest in possession in any such property, and
- (b) where any of the property is at any such time comprised in a settlement and there is no person beneficially entitled to an interest in possession in that property, every person for whose benefit any of that property (or income from it) is applied at any such time,
- shall deliver to the Board an account specifying to the best of his knowledge and belief the appropriate property vested in him, in which he has an interest or which (or income from which) is applicable for his benefit and the value of that property.
- [<sup>F5</sup>(3) Subject to subsections (3A) and (3B) below, where an account is to be delivered by personal representatives (but not where it is to be delivered by a person who is an executor of the deceased only in respect of settled land in England and Wales), the appropriate property is—
- (a) all property which formed part of the deceased's estate immediately before his death [<sup>F6</sup>(or would do apart from section 151A(3)(b) or 151C(3)(b) above)] , other than property which would not, apart from section 102(3) of the <sup>M1</sup>Finance Act 1986, form part of his estate; and
- (b) all property to which was attributable the value transferred by any chargeable transfers made by the deceased within seven years of his death.
- (3A) If the personal representatives, after making the fullest enquiries that are reasonably practicable in the circumstances, are unable to ascertain the exact value of any particular property, their account shall in the first instance be sufficient as regards that property if it contains—
- (a) a statement to that effect;
- (b) a provisional estimate of the value of the property; and
- (c) an undertaking to deliver a further account of it as soon as its value is ascertained.
- (3B) The Board may from time to time give such general or special directions as they think fit for restricting the property to be specified in pursuance of subsection (3) above by any class of personal representatives.]
- (4) Where subsection (3) above does not apply the appropriate property is any property to the value of which the tax is or would be attributable [<sup>F7</sup>(or would be apart from section 151A(3)(b), 151C(3)(b) or 151B(4) above)].

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- (5) Except in the case of an account to be delivered by personal representatives, a person shall not be required to deliver an account under this section with respect to any property if a full and proper account of the property, specifying its value, has already been delivered to the Board by some other person who—
- (a) is or would be liable for the tax attributable to the value of the property, and
  - (b) is not or would not be liable with him jointly as trustee;
- and a person within subsection (2) above shall not be required to deliver an account under that subsection if he or another person within that subsection has satisfied the Board that an account will in due course be delivered by the personal representatives.
- (6) An account under the preceding provisions of this section shall be delivered—
- (a) in the case of an account to be delivered by personal representatives, before the expiration of the period of twelve months from the end of the month in which the death occurs, or, if it expires later, the period of three months beginning with the date on which the personal representatives first act as such;
  - [<sup>F8</sup>(aa) in the case of an account to be delivered by a person within subsection (1)(bb) [<sup>F9</sup>or (bd)] above, before the expiration of the period of twelve months from the end of the month in which the death of the transferor occurs;
  - (ab) in the case of an account to be delivered by a person within subsection (1)(bc) above, before the expiration of the period of twelve months from the end of the month in which the death occurs;]
  - [<sup>F10</sup>(ac) in the case of an account to be delivered by the scheme administrator of a registered pension scheme [<sup>F11</sup>otherwise than by reason of a liability to tax under section 210(3)], before the expiration of the period of twelve months from the end of the month in which the death occurs [<sup>F12</sup>, the scheme administrator becomes aware of the death] or the person ceases to be a relevant dependant of the member [<sup>F13</sup>(depending on which occasions the charge) ];
  - (b) in the case of an account to be delivered by a person within subsection (2) above, before the expiration of the period of three months from the time when he first has reason to believe that he is required to deliver an account under that subsection;
  - (c) in the case of an account to be delivered by any other person, before the expiration of the period of twelve months from the end of the month in which the transfer is made or, if it expires later, the period of three months beginning with the date on which he first becomes liable for tax.
- (7) A person liable for tax under section 32 [<sup>F14</sup>or 32A], 79 [<sup>F15</sup>, 126 or 151D] above or under Schedule 5 to this Act shall deliver an account under this section before the expiration of the period of six months from the end of the month in which the event by reason of which the tax is chargeable occurs.

#### Textual Amendments

- F1** Finance Act 1986 Sch. 19, para. 29, with effect from 18 March 1986.
- F2** S. 216(1)(bca) inserted (6.4.2006) by Finance Act 2006 (c. 25), s. 160, Sch. 22 para. 7(2)
- F3** Words in s. 216(1)(bca) inserted (with effect as mentioned in Sch. 28 para. 15(3) of the amending Act) by Finance Act 2008 (c. 9), s. 91, Sch. 28 para. 12(2)
- F4** Finance Act 1987 (No.2) Sch. 7, para. 4(2), with effect from 17 March 1987.
- F5** S. 216(3)(3A)(3B) substituted for s. 216(3) (27.7.1999 with effect as mentioned in s. 105(2) of the amending Act) by 1999 c. 16, s. 105
- F6** Words in s. 216(3)(a) inserted (6.4.2006) by Finance Act 2006 (c. 25), s. 160, Sch. 22 para. 7(3)

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- F7** Words in s. 216(4) inserted (6.4.2006) by Finance Act 2006 (c. 25), s. 160, **Sch. 22 para. 7(4)**
- F8** Finance Act 1986 Sch. 19, para. 29(3), *with effect from 18 March 1986.*
- F9** Finance Act 1987 (No.2) Sch. 7, para. 4(3), *with effect from 17 March 1987.*
- F10** S. 216(6)(ac) inserted (6.4.2006) by Finance Act 2006 (c. 25), s. 160, **Sch. 22 para. 7(5)**
- F11** Words in s. 216(6)(ac) inserted (with effect as mentioned in Sch. 28 para. 15(3) of the amending Act) by Finance Act 2008 (c. 9), s. 91, **Sch. 28 para. 12(3)**
- F12** Words in s. 216(6)(ac) inserted (with effect as mentioned in Sch. 19 para. 29(8) of the amending Act) by Finance Act 2007 (c. 11), s. 69, **Sch. 19 para. 24(a)**
- F13** Words in s. 216(6)(ac) inserted (with effect as mentioned in Sch. 19 para. 29(8) of the amending Act) by Finance Act 2007 (c. 11), s. 69, **Sch. 19 para. 24(b)**
- F14** Finance Act 1985 Sch. 26, para. 11, *in relation to events occurring after 18 March 1985.*
- F15** Words in s. 216(7) substituted (with effect as mentioned in Sch. 28 para. 15(3) of the amending Act) by Finance Act 2008 (c. 9), s. 91, **Sch. 28 para. 12(4)**

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

- C1** S. 216 excluded (1.8.2002) by S.I. 2002/1733, **reg. 4**
- C2** S. 216 excluded (1.8.2002) by S.I. 2002/1731, **reg. 3**

**Marginal Citations**

- M1** 1986 c.41.

**217 Defective accounts.**

If a person who has delivered an account under section 216 above discovers at any time that the account is defective in a material respect by reason of anything contained in or omitted from it he shall, within six months of that time, deliver to the Board a further account containing such information as may be necessary to remedy the defect.

**218 Non-resident trustees.**

- (1) Where any person, in the course of a trade or profession carried on by him, other than the profession of a barrister, has been concerned with the making of a settlement and knows or has reason to believe—
- (a) that the settlor was domiciled in the United Kingdom, and
  - (b) that the trustees of the settlement are not or will not be resident in the United Kingdom,
- he shall, within three months of the making of the settlement, make a return to the Board stating the names and addresses of the settlor and of the trustees of the settlement.
- (2) A person shall not be required to make a return under this section in relation to—
- (a) any settlement made by will, or
  - (b) any other settlement, if such a return in relation to that settlement has already been made by another person or if an account has been delivered in relation to it under section 216 above.
- (3) For the purposes of this section trustees of a settlement shall be regarded as not resident in the United Kingdom unless the general administration of the settlement is ordinarily carried on in the United Kingdom and the trustees or a majority of them (and, where there is more than one class of trustees, a majority of each class) are for the time being resident in the United Kingdom.

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## [<sup>F16</sup>218A Instruments varying dispositions taking effect on death

- (1) Where—
  - (a) an instrument is made varying any of the dispositions of the property comprised in the estate of a deceased person immediately before his death,
  - (b) the instrument contains a statement under subsection (2) of section 142 above, and
  - (c) the variation results in additional tax being payable,the relevant persons (within the meaning of that subsection) shall, within six months after the day on which the instrument is made, deliver a copy of it to the Board and notify them of the amount of the additional tax.
- (2) To the extent that any of the relevant persons comply with the requirements of this section, the others are discharged from the duty to comply with them.]

### Textual Amendments

**F16** S. 218A inserted (24.7.2002 with application as mentioned in s. 120(4) of the amending Act) by 2002 c. 23, s. 120(2)(4)

## 219 Power to require information.

- (1) The Board may by notice in writing require any person to furnish them within such time, not being less than thirty days, as may be specified in the notice with such information as the Board may require for the purposes of this Act.

[<sup>F17</sup>(1A) A notice under this section is not to be given except with the consent of a Special Commissioner and the Commissioner is to give his consent only on being satisfied that in all the circumstances the Board are justified in proceeding under this section.]

- (2) A notice under this section may be combined with one relating to income tax.
- (3) Subject to subsection (4) below, a barrister or solicitor shall not be obliged in pursuance of a notice under this section to disclose, without his client's consent, any information with respect to which a claim to professional privilege could be maintained.
- (4) A solicitor may be obliged in pursuance of a notice under this section to disclose the name and address of his client; and if his client is resident outside the United Kingdom and carries on outside the United Kingdom a business which includes the provision for persons in the United Kingdom of services or facilities relating to—
  - (a) the formation of companies outside the United Kingdom,
  - (b) the making of settlements outside the United Kingdom, or
  - (c) the securing of control over, or the management or administration of, such companies or settlements,

a solicitor may also be so obliged to disclose the names and addresses of persons in the United Kingdom for whom such services or facilities have been provided in the course of that business.

### Textual Amendments

**F17** Finance Act 1990 s. 124, with effect from 26 July 1990.

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

**C3** S. 219 modified (28.7.2000) by 2000 c. 17, s. 147(2)

**C4** See Finance Act 1990 s. 125(3)(4)(6).

**[<sup>F18</sup>219A Power to call for documents etc.**

- (1) An officer of the Board may by notice in writing require any person who has delivered, or is liable to deliver, an account under section 216 or 217 above, within such time as may be specified in the notice—
  - (a) to produce to the officer such documents as are in the person's possession or power and as the officer may reasonably require for any of the purposes mentioned in subsection (2) below; and
  - (b) to furnish the officer with such accounts or particulars as he may reasonably require for any of those purposes.
- (2) The purposes are—
  - (a) enquiring into an account under section 216 or 217 above (including any claim or election included in the account);
  - (b) determining whether and, if so, the extent to which such an account is incorrect or incomplete; and
  - (c) making a determination for the purposes of a notice under section 221 below.
- (3) To comply with a notice under subsection (1) above, copies of documents may be produced instead of originals; but the copies must be photographic or otherwise by way of facsimile.
- (4) If so required by a notice in writing given by the officer, in the case of any document specified in the notice, the original of any copy produced under subsection (3) above must be produced for inspection by him within such time as may be specified in the notice.
- (5) The time specified in a notice under subsection (1) or (4) above shall not be less than thirty days.
- (6) The officer may take copies of, or make extracts from, any document produced to him under subsection (1) or (4) above.
- (7) A notice under subsection (1) above does not oblige a person to produce documents or furnish accounts or particulars relating to the conduct of any pending appeal by him.]

**Textual Amendments**

**F18** Ss. 219A, 219B inserted (27.7.1999) by 1999 c. 16, s. 106

**[<sup>F19</sup>219B Appeal against requirement to produce documents etc.**

- (1) An appeal may be brought against any requirement imposed by a notice under section 219A(1) above to produce any document or to furnish any accounts or particulars.
- (2) Subject to the following provisions of this section, the provisions of this Act relating to appeals shall have effect in relation to an appeal under this section as they have effect

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in relation to an appeal against a determination specified in a notice under section 221 below.

- (3) An appeal under this section must be brought within the period of thirty days beginning with the date on which the notice under section 219A(1) above is given.
- (4) On an appeal under this section the Special Commissioners may—
  - (a) if it appears to them that the production of the document or the furnishing of the accounts or particulars was reasonably required by the officer of the Board for any of the purposes mentioned in section 219A(2) above, confirm the notice under section 219A(1) above so far as relating to the requirement; or
  - (b) if it does not so appear to them, set aside that notice so far as so relating.
- (5) Where, on an appeal under this section, the Special Commissioners confirm the notice under section 219A(1) above so far as relating to any requirement, the notice shall have effect in relation to that requirement as if it had specified thirty days beginning with the determination of the appeal.
- (6) Neither the person required to produce documents or furnish accounts or particulars nor the officer of the Board shall be entitled to appeal under section 225 below against the determination of an appeal under this section.

**Textual Amendments**

**F19** Ss. 219A, 219B inserted (27.7.1999) by 1999 c. 16, s. 106

**220 Inspection of property.**

- (1) If the Board authorise any person to inspect any property for the purpose of ascertaining its value for the purposes of this Act, the person having the custody or possession of that property shall permit him to inspect it at such reasonable times as the Board may consider necessary.
- (2) If any person wilfully delays or obstructs a person acting in pursuance of this section he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale<sup>F20</sup> . . .

**Textual Amendments**

**F20** Words in s. 220(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Gp. 2.

**220A Exchange of information with other countries.**

<sup>F21</sup> . . . . .

**Textual Amendments**

**F21** S. 220A repealed (19.7.2006) by Finance Act 2006 (c. 25), s. 178, Sch. 26 Pt. 8(2)

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### *Determinations and appeals*

#### **221 Notices of determination.**

- (1) Where it appears to the Board that a transfer of value has been made or where a claim under this Act is made to the Board in connection with a transfer of value, the Board may give notice in writing to any person who appears to the Board to be the transferor or the claimant or to be liable for any of the tax chargeable on the value transferred, stating that they have determined the matters specified in the notice.
- (2) The matters that may be specified in a notice under this section in relation to any transfer of value are all or any of the following—
  - (a) the date of the transfer;
  - (b) the value transferred and the value of any property to which the value transferred is wholly or partly attributable;
  - (c) the transferor;
  - (d) the tax chargeable (if any) and the persons who are liable for the whole or part of it;
  - (e) the amount of any payment made in excess of the tax for which a person is liable and the date from which and the rate at which tax or any repayment of tax overpaid carries interest; and
  - (f) any other matter that appears to the Board to be relevant for the purposes of this Act.
- (3) A determination for the purposes of a notice under this section of any fact relating to a transfer of value—
  - (a) shall, if that fact has been stated in an account or return under this Part of this Act and the Board are satisfied that the account or return is correct, be made by the Board in accordance with that account or return, but
  - (b) may, in any other case, be made by the Board to the best of their judgment.
- (4) A notice under this section shall state the time within which and the manner in which an appeal against any determination in it may be made.
- (5) Subject to any variation by agreement in writing or on appeal, a determination in a notice under this section shall be conclusive for the purposes of this Act against the person on whom the notice is served; and if the notice is served on the transferor and specifies a determination of the value transferred by the transfer of value or previous transfers of value, the determination, so far as relevant to the tax chargeable in respect of later transfers of value (whether or not made by the transferor) shall be conclusive also against any other person, subject however to any adjustment under section 240 or 241 below.
- (6) References in this section to transfers of value or to the values transferred by them shall be construed as including references to—
  - (a) chargeable events by reference to which tax is chargeable under section 32 [F<sup>22</sup> or 32A] of this Act,
  - (b) occasions on which tax is chargeable under Chapter III of Part III of this Act,
  - (c) disposals on which tax is chargeable under section 126 of this Act,
 or to the amounts on which tax is then chargeable.



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### Textual Amendments

**F22** Finance Act 1985 Sch. 26, para. 5, in relation to events occurring after 18 March 1985.

## 222 Appeals against determinations.

- (1) A person on whom a notice under section 221 above has been served may, within thirty days of the service, appeal against any determination specified in it by notice in writing given to the Board and specifying the grounds of appeal.
- (2) Subject to the following provisions of this section the appeal shall be to the Special Commissioners.
- (3) Where—
  - (a) it is so agreed between the appellant and the Board, or
  - (b) the High Court, on an application made by the appellant, is satisfied that the matters to be decided on the appeal are likely to be substantially confined to questions of law and gives leave for that purpose,the appeal may be to the High Court.
- [<sup>F23</sup>(4) An appeal on any question as to the value of land in the United Kingdom may be to the appropriate tribunal.
- (4A) If and so far as the question in dispute on any appeal under this section to the Special Commissioners or the High Court is a question as to the value of land in the United Kingdom, the question shall be determined on a reference to the appropriate tribunal.
- (4B) In this section “the appropriate tribunal” means—
  - (a) where the land is in England or Wales, the Lands Tribunal;
  - (b) where the land is in Scotland, the Lands Tribunal for Scotland;
  - (c) where the land is in Northern Ireland, the Lands Tribunal for Northern Ireland.]
  - (5) In the application of this section to Scotland, for references to the High Court there shall be substituted references to the Court of Session.

### Textual Amendments

**F23** S. 222(4)(4A)(4B) substituted (27.7.1993: the substituting section applying as mentioned in s. 200(3) of c. 34) for s. 222(4), by 1993 c. 34, s. 200(1)(3).

## 223 Appeals out of time.

An appeal under section 222 above may be brought out of time with the consent of the Board or the Special Commissioners; and the Board—

- (a) shall give that consent if satisfied, on an application for the purpose, that there was a reasonable excuse for not bringing the appeal within the time limited and that the application was made thereafter without unreasonable delay, and
- (b) shall, if not so satisfied, refer the application for determination by the Special Commissioners.

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VALID FROM 01/04/2009

### **[<sup>F24</sup>223A Appeal: HMRC review or determination by tribunal**

- (1) This section applies if notice of appeal has been given to HMRC.
- (2) In such a case—
  - (a) the appellant may notify HMRC that the appellant requires HMRC to review the matter in question (see section 223B),
  - (b) HMRC may notify the appellant of an offer to review the matter in question (see section 223C), or
  - (c) the appellant may notify the appeal to the tribunal (see section 223D).
- (3) See sections 223G and 223H for provision about notifying appeals to the tribunal after a review has been required by the appellant or offered by HMRC.

#### **Textual Amendments**

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), [Sch. 1 para. 117](#)

VALID FROM 01/04/2009

### **223B Appellant requires review by HMRC**

- (1) Subsections (2) and (3) apply if the appellant notifies HMRC that the appellant requires HMRC to review the matter in question.
- (2) HMRC must, within the relevant period, notify the appellant of HMRC's view of the matter in question.
- (3) HMRC must review the matter in question in accordance with section 223E.
- (4) The appellant may not notify HMRC that the appellant requires HMRC to review the matter in question and HMRC shall not be required to conduct a review if—
  - (a) the appellant has already given a notification under this section in relation to the matter in question,
  - (b) HMRC have given a notification under section 223C in relation to the matter in question, or
  - (c) the appellant has notified the appeal to the court under section 222(3), the appropriate Lands tribunal under section 222(4), or the tribunal under section 223D.
- (5) In this section “relevant period” means—
  - (a) the period of 30 days beginning with the day on which HMRC receive the notification from the appellant, or
  - (b) such longer period as is reasonable.

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### Textual Amendments

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), **Sch. 1 para. 117**

VALID FROM 01/04/2009

### 223C HMRC offer review

- (1) Subsections (2) to (6) apply if HMRC notify the appellant of an offer to review the matter in question.
- (2) When HMRC notify the appellant of the offer, HMRC must also notify the appellant of HMRC's view of the matter in question.
- (3) If, within the acceptance period, the appellant notifies HMRC of acceptance of the offer, HMRC must review the matter in question in accordance with section 223E.
- (4) If the appellant does not give HMRC such a notification within the acceptance period, HMRC's view of the matter in question shall be conclusive for the purposes of this Act.
- (5) The same consequences shall follow for all purposes as would have followed if, on the date that HMRC gave notice of their view, the tribunal had determined the appeal in accordance with its terms.
- (6) Subsection (4) does not apply to the matter in question if, or to the extent that, the appellant notifies the appeal to the tribunal under section 223H.
- (7) HMRC may not notify the appellant of an offer to review the matter in question (and, accordingly, HMRC shall not be required to conduct a review) if—
  - (a) HMRC have already given a notification under this section in relation to the matter in question,
  - (b) the appellant has given a notification under section 223B in relation to the matter in question, or
  - (c) the appellant has notified the appeal to the court under section 222(3), the appropriate Lands tribunal under section 222(4) or the tribunal under section 223D.
- (8) In this section “acceptance period” means the period of 30 days beginning with the date of the document by which HMRC notify the appellant of the offer to review the matter in question.

### Textual Amendments

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), **Sch. 1 para. 117**

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### **223D Notifying appeal to the tribunal**

- (1) This section applies if notice of appeal has been given to HMRC.
- (2) The appellant may notify the appeal to the tribunal.
- (3) If the appellant notifies the appeal to the tribunal, the tribunal is to decide the matter in question.
- (4) Subsections (2) and (3) do not apply in a case where—
  - (a) HMRC have given a notification of their view of the matter in question under section 223B, or
  - (b) HMRC have given a notification under section 223C in relation to the matter in question.
- (5) In a case falling within subsection (4)(a) or (b), the appellant may notify the appeal to the tribunal, but only if permitted to do so by section 223G or 223H.

#### **Textual Amendments**

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), **Sch. 1 para. 117**

VALID FROM 01/04/2009

### **223E Nature of review etc**

- (1) This section applies if HMRC are required by section 223B or 223C to review the matter in question.
- (2) The nature and extent of the review are to be such as appear appropriate to HMRC in the circumstances.
- (3) For the purpose of subsection (2), HMRC must, in particular, have regard to steps taken before the beginning of the review—
  - (a) by HMRC in deciding the matter in question, and
  - (b) by any person in seeking to resolve disagreement about the matter in question.
- (4) The review must take account of any representations made by the appellant at a stage which gives HMRC a reasonable opportunity to consider them.
- (5) The review may conclude that HMRC's view of the matter in question is to be—
  - (a) upheld,
  - (b) varied, or
  - (c) cancelled.
- (6) HMRC must notify the appellant of the conclusions of the review and their reasoning within—

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**Changes to legislation:** There are currently no known outstanding effects for the Inheritance Tax Act 1984, PART VIII. (See end of Document for details)

- (a) the period of 45 days beginning with the relevant day, or
  - (b) such other period as may be agreed.
- (7) In subsection (6) “relevant day” means—
- (a) in a case where the appellant required the review, the day when HMRC notified the appellant of HMRC's view of the matter in question,
  - (b) in a case where HMRC offered the review, the day when HMRC received notification of the appellant's acceptance of the offer.
- (8) Where HMRC are required to undertake a review but do not give notice of the conclusions within the time period specified in subsection (6), the review is to be treated as having concluded that HMRC's view of the matter in question (see sections 223B(2) and 223C(2)) is upheld.
- (9) If subsection (8) applies, HMRC must notify the appellant of the conclusion which the review is treated as having reached.

#### Textual Amendments

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), **Sch. 1 para. 117**

VALID FROM 01/04/2009

#### 223F Effect of conclusions of review

- (1) This section applies if HMRC give notice of the conclusions of a review (see section 223E(6) and (9)).
- (2) The conclusions of the review shall be conclusive for the purposes of this Act.
- (3) Subsections (2) and (3) do not apply to the matter in question if, or to the extent that, the appellant notifies the appeal to the tribunal under section 223G.

#### Textual Amendments

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), **Sch. 1 para. 117**

VALID FROM 01/04/2009

#### 223G Notifying appeal to tribunal after review concluded

- (1) This section applies if—
  - (a) HMRC have given notice of the conclusions of a review in accordance with section 223E, or
  - (b) the period specified in section 223E(6) has ended and HMRC have not given notice of the conclusions of the review.

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- (2) The appellant may notify the appeal to the tribunal within the post-review period.
- (3) If the post-review period has ended, the appellant may notify the appeal to the tribunal only if the tribunal gives permission.
- (4) If the appellant notifies the appeal to the tribunal, the tribunal is to determine the matter in question.
- (5) The appellant may not notify the appeal to the tribunal under this section if the appeal has been notified to the court under section 222(3) or the appropriate Lands tribunal under section 222(4).
- (6) In this section “post-review period” means—
  - (a) in a case falling within subsection (1)(a), the period of 30 days beginning with the date of the document in which HMRC give notice of the conclusions of the review in accordance with section 223E(6), or
  - (b) in a case falling within subsection (1)(b), the period that—
    - (i) begins with the day following the last day of the period specified in section 223E(6), and
    - (ii) ends 30 days after the date of the document in which HMRC give notice of the conclusion of the review in accordance with section 223E(9).

#### Textual Amendments

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), **Sch. 1 para. 117**

VALID FROM 01/04/2009

#### **223H Notifying appeal to tribunal after review offered but not accepted**

- (1) This section applies if—
  - (a) HMRC have offered to review the matter in question (see section 223C), and
  - (b) the appellant has not accepted the offer.
- (2) The appellant may notify the appeal to the tribunal within the acceptance period.
- (3) But if the acceptance period has ended, the appellant may notify the appeal to the tribunal only if the tribunal gives permission.
- (4) If the appellant notifies the appeal to the tribunal, the tribunal is to determine the matter in question.
- (5) The appellant may not notify the appeal to the tribunal under this section if the appeal has been notified to the court under section 222(3) or the appropriate Lands tribunal under section 222(4).
- (6) In this section “acceptance period” has the same meaning as in section 223C.

*Status: Point in time view as at 21/07/2008. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Inheritance Tax Act 1984, PART VIII. (See end of Document for details)*

### Textual Amendments

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), [Sch. 1 para. 117](#)

VALID FROM 01/04/2009

### 223I Interpretation of sections 223A to 223I

- (1) In sections 223A to 223H—
  - (a) “matter in question” means the matter to which an appeal relates;
  - (b) a reference to a notification is a reference to a notification in writing.
- (2) In sections 223A to 223H, a reference to the appellant includes a person acting on behalf of the appellant except in relation to—
  - (a) notification of HMRC's view under section 223B(2);
  - (b) notification by HMRC of an offer of review (and of their view of the matter) under section 223C;
  - (c) notification of the conclusions of a review under section 223E(6); and
  - (d) notification of the conclusions of a review under section 223E(9).
- (3) But if a notification falling within any of the paragraphs of subsection (2) is given to the appellant, a copy of the notification may also be given to a person acting on behalf of the appellant.]

### Textual Amendments

**F24** Ss. 223A-223I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3(1), [Sch. 1 para. 117](#)

### 224 Procedure before Special Commissioners.

- <sup>F25</sup>(1) .....
- <sup>F25</sup>(2) .....
- <sup>F25</sup>(3) .....

- (4) On an appeal before the Special Commissioners, the Special Commissioners may allow the appellant to put forward any ground of appeal not specified in the notice of appeal and may take it into consideration if satisfied that the omission was not wilful or unreasonable.
- (5) The Special Commissioners shall on an appeal to them confirm the determination appealed against unless they are satisfied that the determination ought to be varied or quashed.

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*Changes to legislation: There are currently no known outstanding effects for the Inheritance Tax Act 1984, PART VIII. (See end of Document for details)*

**Textual Amendments**

**F25** S. 224(1)-(3) repealed (1.9.1994) by S.I. 1994/1813, reg. 2, Sch. 1 para. 20, Sch. 2 Pt. I

**[<sup>F26</sup>225 Appeals from Special Commissioners.**

- (1) Any party to an appeal, if dissatisfied in point of law with the determination of that appeal by the Special Commissioners, may appeal against that determination to the High Court.
- (2) The High Court shall hear and determine any question of law arising on an appeal under subsection (1) above and may reverse, affirm or vary the determination appealed against, or remit the matter to the Special Commissioners with the court's opinion on it, or make such other order in relation to the matter as the court thinks fit.
- (3) This section shall have effect—
  - (a) in its application to Scotland, with the substitution of references to the Court of Session for references to the High Court; and
  - (b) in its application to Northern Ireland, with the substitution of references to the Court of Appeal in Northern Ireland for references to the High Court.]

**Textual Amendments**

**F26** S. 225 and sidenote substituted (1.9.1994) by S.I. 1994/1813, reg. 2(1), Sch. 1 para. 21

**[225A <sup>F27</sup>Extension of regulation-making powers.**

- (1) Section 46A of the Taxes Management Act 1970 (regulations about jurisdiction of General and Special Commissioners) shall apply in relation to appeals or other proceedings under this Part of this Act as it applies in relation to appeals or other proceedings under the Taxes Acts, but with the omission from subsection (1) of—
  - (a) paragraphs (a) and (b), and
  - (b) the words “General Commissioners or” in paragraph (c).
- (2) Sections 56B, 56C and 56D of the Taxes Management Act 1970 (regulations about practice and procedure of General and Special Commissioners) shall apply in relation to appeals or other proceedings under this Part of this Act as they apply in relation to appeals or other proceedings under the Taxes Acts.
- (3) In this section, “the Taxes Acts” has the meaning given in section 118(1) of the Taxes Management Act 1970.]

**Textual Amendments**

**F27** S. 225A inserted (16.7.1992) by Finance (No. 2) Act 1992 (c. 48), s. 76, Sch. 16 para. 8.



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*Changes to legislation:* There are currently no known outstanding effects for the Inheritance Tax Act 1984, PART VIII. (See end of Document for details)

## Payment

### 226 Payment: general rules.

- (1) Except as otherwise provided by the following provisions of this Part of this Act, the tax on the value transferred by a chargeable transfer shall be due six months after the end of the month in which the chargeable transfer is made or, in the case of a transfer made after 5th April and before 1st October in any year otherwise than on death, at the end of April in the next year.
- (2) Personal representatives shall, on delivery of their account, pay all the tax for which they are liable and may, on delivery of that account, also pay any part of the tax chargeable on the death for which they are not liable, if the persons liable for it request them to make the payment.
- (3) So much of the tax chargeable on the value transferred by a chargeable transfer made within [<sup>F28</sup>seven years] . . . <sup>F29</sup> of the death of the transferor as—
  - (a) exceeds what it would have been had the transferor died more than [<sup>F28</sup>seven years] after the transfer . . . <sup>F29</sup>
  - (b) . . . . . <sup>F29</sup>shall be due six months after the end of the month in which the death occurs.
- [<sup>F30</sup>(3A) Without prejudice to subsection (3) above, the tax chargeable on the value transferred by a potentially exempt transfer which proves to be a chargeable transfer shall be due six months after the end of the month in which the transferor's death occurs.
- (3B) So much (if any) of the tax chargeable on the value transferred by a chargeable transfer made under Chapter III of Part III of this Act within the period of seven years ending with the settlor's death as exceeds what it would have been had the settlor died more than seven years after the date of the transfer shall be due six months after the end of the month in which the death occurs.]
- (4) Tax chargeable under section 32, [<sup>F31</sup>32A], 79 [<sup>F32</sup>, 126 [<sup>F33</sup>, 151B or 151D]] above or under Schedule 5 to this Act [<sup>F34</sup>, or under section 151A above by virtue of subsection (6) of that section,] shall be due six months after the end of the month in which the event by reason of which it is chargeable occurs.
- (5) The Board may in the first instance, and without prejudice to the recovery of the remainder of the tax, accept or demand payment of an amount by reference to the value stated in an account delivered to the Board under section 216 or 217 above.
- (6) Nothing in this section shall be taken to authorise the recovery from, or require the payment by, any person of tax in excess of his liability as limited by section 204 above.

#### Textual Amendments

- F28** Finance Act 1986 Sch. 19, para. 30(1), with effect from 18 March 1986. Originally “three years”.
- F29** Repealed by 1988 s. 148 and Sch. 14, Part X, with effect from 15 March 1988.
- F30** Finance Act 1986 Sch. 19, para. 30(2), with effect from 18 March 1986.
- F31** Finance Act 1985 Sch. 26, para. 11, in relation to events occurring after 18 March 1985.
- F32** Words in s. 226(4) substituted (6.4.2006) by Finance Act 2006 (c. 25), s. 160, Sch. 22 para. 8
- F33** Words in s. 226(4) substituted (with effect as mentioned in Sch. 28 para. 15(3) of the amending Act) by Finance Act 2008 (c. 9), s. 91, Sch. 28 para. 13

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*Changes to legislation: There are currently no known outstanding effects for the Inheritance Tax Act 1984, PART VIII. (See end of Document for details)*

**F34** Words in s. 226(4) inserted (with effect as stated in Sch. 19 para. 29(8) of the amending Act) by Finance Act 2007 (c. 11), s. 69, Sch. 19 para. 25

## **227 Payment by instalments—land, shares and businesses.**

(1) Where any of the tax payable on the value transferred by a chargeable transfer is attributable to the value of qualifying property and—

- (a) the transfer is made on death, or
- (b) the tax so attributable is borne by the person benefiting from the transfer, or
- (c) the transfer is made under Part III of this Act and the property concerned continues to be comprised in the settlement,

the tax so attributable may, if the person paying it by notice in writing to the Board so elects, be paid by ten equal yearly instalments.

[<sup>F35</sup>(1A) Subsection (1) above does not apply to—

- (a) tax payable on the value transferred by a potentially exempt transfer which proves to be a chargeable transfer, or
- (b) additional tax becoming payable on the value transferred by any chargeable transfer by reason of the transferor’s death within seven years of the transfer,

except to the extent that the tax is attributable to the value of property which satisfies one of the conditions specified in subsection (1C) below and, in the case of property consisting of unquoted shares or unquoted securities, the further condition specified in section 228(3A) below.]

[<sup>F36</sup>(1AA) In subsection (1A) above “unquoted”, in relation to any shares or securities, means not [<sup>F37</sup>listed]] on a recognised stock exchange.

[<sup>F38</sup>(1B) In [<sup>F39</sup>this section] “the transferee” means the person whose property the qualifying property became on the transfer or, where on the transfer the qualifying property became comprised in a settlement in which no qualifying interest in possession (within the meaning of Chapter III of Part III of this Act) subsists, the trustees of the settlement.]

[<sup>F40</sup>(1C) The conditions referred to in subsection (1A) above are—

- (a) that the property was owned by the transferee throughout the period beginning with the date of the chargeable transfer and ending with the death of the transferor (or, if earlier, the death of the transferee), or
- (b) that for the purposes of determining the tax, or additional tax, due by reason of the death of the transferor, the value of the property is reduced in accordance with the provisions of Chapter I or Chapter II or Part V of this Act by virtue of section 113B or section 124B above.]

(2) In this section “qualifying property” means—

- (a) land of any description, wherever situated;
- (b) shares or securities to which section 228 below applies;
- (c) a business or an interest in a business.

(3) The first of the instalments referred to in subsection (1) above shall be payable—

- (a) if the chargeable transfer was made on death, six months after the end of the month in which the death occurred, and
- (b) in any other case, at the time when the tax would be due if it were not payable by instalments;

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and interest under section 233 below on the unpaid portion of the tax shall be added to each instalment and paid accordingly, except as otherwise provided in section 234 below.

- (4) Notwithstanding the making of an election under this section, the tax for the time being unpaid, with interest to the time of payment, may be paid at any time; and if at any time (whether before or after the date when the first instalment is payable) the whole or any part of the property concerned is sold, the tax unpaid (or, in the case of a sale of part, the proportionate part of that tax) shall become payable forthwith (or, if the sale precedes the date when the first instalment is payable, on that date) together with any interest accrued under section 233 below.
- (5) References in subsection (4) above to the sale of property shall have effect—
  - (a) in a case within subsection (1)(b) above [<sup>F41</sup>other than a case within subsection (1A) above where the transferee dies before the transferor], as if they included references to any chargeable transfer in which the value transferred is wholly or partly attributable to the value of the property, other than a transfer made on death, and
  - (b) in a case within subsection (1)(c) above, as references to the property ceasing to be comprised in the settlement.
- (6) For the purposes of subsection (4) above—
  - (a) the sale of an interest or part of an interest in a business shall be treated as a sale of part of the business, and
  - (b) the payment, under a partnership agreement or otherwise, of a sum in satisfaction of the whole or part of an interest in a business otherwise than on a sale shall be treated as a sale of the interest or part at the time of payment.
- (7) For the purposes of this section—
  - (a) the value of a business or of an interest in a business shall be taken to be its net value;
  - (b) the net value of a business is the value of the assets used in the business (including goodwill) reduced by the aggregate amount of any liabilities incurred for the purposes of the business;
  - (c) in ascertaining the net value of an interest in a business, no regard shall be had to assets or liabilities other than those by reference to which the net value of the business would have fallen to be ascertained if the tax had been attributable to the entire business; and
  - (d) “business” includes a business carried on in the exercise of a profession or vocation, but does not include a business carried on otherwise than for gain.

#### Textual Amendments

- F35** Finance Act 1987 Sch. 8, para. 15(1), with effect from 17 March 1987. Originally  
“Subsection (1) above does not apply to tax payable on the value transferred by a potentially exempt transfer which proves to be a chargeable transfer, except to the extent that the tax is attributable to qualifying property which is owned by the transferee immediately before the death of the transferor (or, if earlier, his own death).”  
as inserted by Finance Act 1986 Sch. 19, para. 31(1) with effect from 18 March 1986.
- F36** S. 227(1AA) inserted (16.7.1992) by Finance (No. 2) Act 1992 (c. 48), s. 73, Sch. 14 paras. 5, 8, 9.
- F37** Word in s. 227(1AA) substituted (29.4.1996 with effect as mentioned in Sch. 38 para. 5(2) of the amending Act) by 1996 c. 8, s. 199, Sch. 38 para. 5(1)

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- F38** Finance Act 1986 Sch. 19, para. 31(1), with effect from 18 March 1986.  
**F39** Finance Act 1987 Sch. 8, para. 15(2), with effect from 17 March 1987. Originally “subsection (1A) above.”  
**F40** Finance Act 1987 Sch. 8, para. 15(3), with effect from 17 March 1987.  
**F41** Finance Act 1986 Sch. 19, para. 31(2), with effect from 18 March 1986.

## 228 Shares, etc. within section 227.

(1) This section applies—

- (a) to shares or securities of a company which immediately before the chargeable transfer gave control of the company—
  - (i) in the case of a transfer on death, to the deceased,
  - (ii) in the case of a transfer under Chapter III of Part III of this Act, to the trustees, and
  - (iii) in any other case, to the transferor;
- (b) to shares or securities of a company [<sup>F42</sup>which do not fall under paragraph (a) above and are unquoted], if the chargeable transfer is made on death and the condition stated in subsection (2) below is satisfied;
- (c) to shares or securities of a company [<sup>F43</sup>which do not fall under paragraph (a) above and are unquoted], if the Board are satisfied that the tax attributable to their value cannot be paid on one sum without undue hardship (assuming, in the case of a chargeable transfer made otherwise than on death, that the shares or securities would be retained by the persons liable to pay the tax);
- (d) to shares of a company [<sup>F43</sup>which do not fall under paragraph (a) above and are unquoted], if the conditions stated in subsection (3) below are satisfied.

(2) The condition mentioned in subsection (1)(b) above is that not less than 20 per cent of so much of the tax chargeable on the value transferred as is tax for which the person paying the tax attributable as mentioned in section 227(1) above is liable (in the same capacity) consists of tax attributable to the value of the shares or securities or such other tax (if any) as may by virtue of section 227 be paid by instalments.

(3) The conditions mentioned in subsection (1)(d) above are that so much of the value transferred (calculated, if the transfer is not made on death, as if no tax were chargeable on it) as is attributable to the shares exceeds £20,000, and that either—

- (a) the nominal value of the shares is not less than 10 per cent of the nominal value of all the shares of the company at the time of the transfer, or
- (b) the shares are ordinary shares and their nominal value is not less than 10 per cent of the nominal value of all ordinary shares of the company at that time.

[<sup>F44</sup>(3A) The further condition referred to in section 227(1A) above is that the shares or securities remained unquoted throughout the period beginning with the date of the chargeable transfer and ending with the death of the transferor (or, if earlier, the death of the transferee).]

(4) In this section “ordinary shares” means shares which carry either—

- (a) a right to dividends not restricted to dividends at a fixed rate, or
- (b) a right to conversion into shares carrying such a right as is mentioned in paragraph (a) above.

[<sup>F45</sup>(5) In this section “unquoted”, in relation to any shares or securities, means not [<sup>F46</sup>listed]] on a recognised stock exchange.

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### Textual Amendments

- F42** Finance Act 1987 Sch. 8, para. 16(1), with effect from 17 March 1987. Originally “not falling under paragraph (a) above and not quoted on a recognised stock exchange”.
- F43** Finance Act 1987 Sch. 8, para. 16(1), with effect from 17 March 1987. Originally “not falling under paragraph (a) above and not quoted on a recognised stock exchange”.
- F44** Finance Act 1987 Sch. 8, para. 16(2), with effect from 17 March 1987.
- F45** S. 228(5) added (16.7.1992) by Finance (No. 2) Act 1992 (c. 48), s. 73, Sch. 14 paras. 6, 8, 9.
- F46** Word in s. 228(5) substituted (29.4.1996 with effect as mentioned in Sch. 38 para. 5(2) of the amending Act) by 1996 c. 8, s. 199, Sch. 38 para. 5(1)

## 229 Payment by instalments—woodlands.

Tax chargeable on such a chargeable transfer as is mentioned in section 129 above may, if the person paying the tax by notice in writing to the Board so elects, be paid by ten equal yearly instalments, of which the first shall be payable six months after the end of the month in which the transfer is made.

## 230 Acceptance of property in satisfaction of tax.

- (1) The Board may, if they think fit and the [<sup>F47</sup>Secretary of State agrees], on the application of any person liable to pay tax or interest payable under section 233 below, accept in satisfaction of the whole or any part of it any property to which this section applies.
- (2) This section applies to any such land as may be agreed upon between the Board and the person liable to pay tax.
- (3) This section also applies to any objects which are or have been kept in any building—
  - (a) if the Board have determined to accept or have accepted that building in satisfaction or part satisfaction of tax or of estate duty, or
  - (b) if the building or any interest in it belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belongs to the Duchy of Cornwall or belongs to a Government department or is held for the purposes of a Government department, or
  - (c) if the building is one of which the Secretary of State is guardian under the <sup>M2</sup>Ancient Monuments and Archaeological Areas Act 1979 or of which the Department of the Environment for Northern Ireland is guardian under [<sup>F48</sup>the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995], or
  - (d) if the building belongs to any body within Schedule 3 to this Act, in any case where it appears to the [<sup>F47</sup>Secretary of State] desirable for the objects to remain associated with the building.
- (4) This section also applies to—
  - (a) any picture, print, book, manuscript, work of art, scientific object or other thing which the [<sup>F47</sup>Secretary of State is] satisfied is pre-eminent for its national, scientific, historic or artistic interest, and
  - (b) any collection or group of pictures, prints, books, manuscripts, works of art, scientific objects or other things if the [<sup>F47</sup>Secretary of State is] satisfied that

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the collection or group, taken as a whole, is pre-eminent for its national, scientific, historic or artistic interest.

(5) In this section—

F49

. . .

“national interest” includes interest within any part of the United Kingdom; and in determining under subsection (4) above whether an object or collection or group of objects is pre-eminent, regard shall be had to any significant association of the object, collection or group with a particular place.

[<sup>F50</sup>(6) The functions of the Ministers under this section in relation to the acceptance, in satisfaction of tax, of property in which there is a Scottish interest may be exercised separately.

<sup>F50</sup>(7) For the purposes of subsection (6) a Scottish interest in the property exists—

- (a) where the property is located in Scotland; or
- (b) the person liable to pay the tax has expressed a wish or imposed a condition on his offer of the property in satisfaction of tax that it be displayed in Scotland or disposed of or transferred to a body or institution in Scotland.]

#### Textual Amendments

- F47** Words in s. 230(1)(3)(4)(a)(b) substituted (3.7.1992) by S.I. 1992/1311, art. 12(2), **Sch. 2 para. 6(2)(3)(4)**.
- F48** Words in s. 230(3)(c) substituted (29.8.1995) by S.I. 1995/1625 (N.I. 9), art. 45(1), **Sch. 3 para. 1(1)(2)(e)**.
- F49** Definition in s. 230(5) omitted (3.7.1992) by virtue of S.I. 1992/1311, art. 12(2), **Sch. 2 para. 6(5)**.
- F50** S. 230(6)(7) inserted (1.7.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 8** (with art. 8); S.I. 1998/3178, **art. 3**

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

- C5** S. 230: functions of the Secretary of State in certain circumstances made exercisable concurrently with the National Assembly for Wales (31.12.2004) by **The National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044)**, art. 2, **Sch. 1**
- C6** S. 230: functions of the Lord President of the Council under s. 230 transferred (3.7.1992) to the Secretary of State by virtue of S.I. 1992/1311, art. 3(1), **Sch. 1 Pt. I**.  
 S. 230: transfer of functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

#### Marginal Citations

- M2** 1979 c.46.

## 231 Powers to transfer property in satisfaction of tax.

- (1) Where a person has power to sell any property in order to raise money for the payment of tax, he may agree with the Board for the property to be accepted in satisfaction of that tax in pursuance of section 230 above; and, except as regards the nature of the consideration and its receipt and application, any such agreement shall be subject to the same provisions and shall be treated for all purposes as a sale made in the exercise of the said power, and any conveyance or transfer made or purporting to be made to give effect to such an agreement shall have effect accordingly.

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- (2) The references in subsection (1) above to tax include references to interest payable under section 233 below.
- (3) This section shall not affect paragraph 1(4) or 3(4) of Schedule 5 to this Act.

### 232 Administration actions.

Where proceedings are pending in any court for the administration of any property to the value of which any tax charged on the value transferred by a chargeable transfer is attributable, the court shall provide, out of any such property in the possession or control of the court, for the payment of any of the tax so attributable, or interest on it, which remains unpaid.

### Interest

### 233 Interest on unpaid tax.

- (1) If—
  - (a) an amount of tax charged on the value transferred by a chargeable transfer made after 5th April and before 1st October in any year and otherwise than on death remains unpaid after the end of the period ending with April in the next year, or
  - (b) an amount of tax charged on the value transferred by any other chargeable transfer remains unpaid after the end of the period of six months beginning with the end of the month in which the chargeable transfer was made, or
  - (c) an amount of tax chargeable under section 32, [F51 32A], 79(3) [F52, 126 [F53, 151B or 151D]] above or under Schedule 5 to this Act [F54, or under section 151A above by virtue of subsection (6) of that section,] remains unpaid after the end of the period of six months beginning with the end of the month in which the event occasioning the charge occurs,

[F55 then, subject to subsection (1A) below] it shall carry interest from the end of that period at the rate applicable under [F56 section 178 of the Finance Act 1989.]

[F57 (1A) If, under section 30 above, the Board agree to accept property in satisfaction of any tax on terms that the value to be attributed to the property for the purposes of that acceptance is determined as at a date earlier than that on which the property is actually accepted, the terms may provide that the amount of tax which is satisfied by the acceptance of the property shall not carry interest under this section from that date.]

- (2) ..... F58
- (3) Interest payable under this section shall not be allowed as a deduction in computing any income, profits or losses for any tax purposes.
- (4) ..... F59

#### Textual Amendments

- F51** Finance Act 1985 Sch. 26, para. 11, *in relation to events occurring after 18 March 1985.*
- F52** Words in s. 233(1)(c) substituted (6.4.2006) by [Finance Act 2006 \(c. 25\)](#), s. 160, [Sch. 22 para. 9](#)
- F53** Words in s. 233(1)(c) substituted (with effect as mentioned in [Sch. 28 para. 15\(3\)](#) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), s. 91, [Sch. 28 para. 14](#)

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- F54** Words in s. 233(1)(c) inserted (with effect as stated in Sch. 19 para. 29(8) of the amending Act) by Finance Act 2007 (c. 11), s. 69, Sch. 19 para. 26
- F55** Finance Act 1987 s. 60(1), with effect from 17 March 1987.
- F56** Finance Act 1989 s. 179(1)(d). Originally “subsection (2) below.”
- F57** Finance Act 1987 s. 60(2), with effect from 17 March 1987.
- F58** Amended by Finance Act 1986 Sch. 19, para. 32, with effect from 18 March 1986 and repealed by Finance Act 1989 s. 187 and Sch. 17, Part X with effect from an appointed day in accordance with Finance Act 1989 s. 178(7) (By S.I. 1989 No. 1298, the appointed day is August 18th 1989)
- F59** Repealed by Finance Act 1989 s. 187 and Sch. 17, Part X with effect from an appointed day in accordance with Finance Act 1989 s. 178(7). By S.I. 1989 No. 1298 the appointed day is 18 August 1989.

### 234 Interest on instalments.

- (1) Where tax payable on the value transferred by a chargeable transfer—
- (a) is payable by instalments under section 227 above and is attributable to the value of any shares, securities, business or interest in a business, or to value treated as reduced under Chapter II of Part V of this Act, or
  - (b) is payable by instalments under section 229 above,
- it shall, for the purposes of any interest to be added to each instalment, be treated as carrying interest from the date at which the instalment is payable.
- (2) Subsection (1) above shall not apply to tax attributable to the value of shares or securities of a company falling within paragraph (a) of subsection (3) below (not being tax attributable to value treated as reduced under Chapter II of Part V of this Act) unless it also falls within paragraph (b) or (c) of that subsection.
- (3) The companies referred to in subsection (2) above are—
- (a) any company whose business consists wholly or mainly of one or more of the following, that is to say, dealing in securities, stocks or shares, land or buildings, or making or holding investments;
  - (b) any company whose business consists wholly or mainly in being a holding company ([<sup>F60</sup>as defined in section 736 of] the [<sup>F61M3</sup>Companies Act 1985]) of one or more companies not falling within paragraph (a) above;
  - [<sup>F62</sup>(c) any company whose business is wholly that of a market maker or is that of a discount house and (in either case) is carried on in the United Kingdom.]
- [<sup>F63</sup>(4) In this section “market maker” means a person who—
- (a) holds himself out at all normal times in compliance with the rules of The Stock Exchange as willing to buy and sell securities, stocks or shares at a price specified by him, and
  - (b) is recognised as doing so by the Council of The Stock Exchange.]

#### Textual Amendments

- F60** Companies Act 1989 s. 144(4) and Sch. 18 para. 30(4) with effect from the appointed day—on and after 1 November 1990 (S.I. 1990 No. 1392). Originally “within the meaning of”.
- F61** Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), Sch. 2, with effect from 1 July 1985. Originally



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“Companies Act 1948”.

**F62** Finance Act 1986 s. 107(1), in relation to events on or after 27 October 1986 “the day of The Stock Exchange reforms”—(as defined in s. 106(8) and s. 107(8)). Originally  
“(c) any company whose business is that of a jobber (as defined in section 477 of the Taxes Act) or discount house and is carried on in the United Kingdom.”

**F63** Finance Act 1986 s. 107(2), in relation to events on or after 27 October 1986 “the day of The Stock Exchange reforms”—(as defined in s. 106(8) and s. 107(8)).

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

**C7** S. 234(4) amended (6.1.1993) by S.I. 1992/3181, reg.4 (as amended (1.12.2001) by S.I. 2001/3629, art. 135)

**Marginal Citations**

**M3** 1985 c.6.

**235 Interest on overpaid tax.**

- (1) Any repayment of an amount paid in excess of a liability for tax or for interest on tax shall carry interest from the date on which the payment was made [<sup>F64</sup>until the order for repayment is issued] at the same rate as that at which the tax, if outstanding, would have carried interest.
- (2) Interest paid under this section shall not constitute income for any tax purposes.

**Textual Amendments**

**F64** Finance Act 1989 s. 180(4); deemed always to have had effect.

**236 Special cases.**

- (1) Section 233 above shall apply in relation to—
  - (a) the amount by which tax chargeable on the value transferred by a chargeable transfer made within [<sup>F65</sup>seven years] of the transferor’s death exceeds what it would have been had the transferor died more than [<sup>F65</sup>seven years] after the transfer, . . . <sup>F66</sup>
  - (b) . . . . . <sup>F66</sup>as if the chargeable transfer had been made on the death of the transferor.

[<sup>F67</sup>(1A) Section 233 above shall apply in relation to the amount (if any) by which—

- (a) the tax chargeable on the value transferred by a chargeable transfer made under Chapter III of Part III of this Act within the period of seven years ending with the settlor’s death,  
exceeds
- (b) what that tax would have been had the settlor died more than seven years after the date of the transfer,  
as if the chargeable transfer had been made on the death of the settlor.]

- (2) Tax overpaid or underpaid in consequence of—
  - (a) section 146(1) above, or section 19(1) of the <sup>M4</sup>Inheritance (Provision for Family and Dependants) Act 1975, or

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- (b) the corresponding provision of the <sup>M5</sup>Inheritance (Provision for Family and Dependents) (Northern Ireland) Order 1979, shall not carry interest for any period before the order there mentioned is made.
- (3) Tax repayable on a claim under section 146(2), . . . <sup>F68</sup> or 150 above shall carry interest (which shall not constitute income for any tax purposes) at the [<sup>F69</sup>rate applicable under section 178 of the Finance Act 1989] from the date on which the claim is made.
- (4) Tax repayable under section 147(2) above shall carry interest (which shall not constitute income for any tax purposes) at the [<sup>F70</sup>rate applicable under section 178 of the Finance Act 1989] from the date on which the tax was paid; and tax charged by virtue of section 147(4) above shall carry interest at that rate [<sup>F71</sup>from the end of the period mentioned in section 233(1)(b) above.]

#### Textual Amendments

- F65** Finance Act 1986 Sch. 19, para. 33(1), *with effect from 18 March 1986. Originally* “three years”.
- F66** *Repealed by* Finance Act 1988 s. 148 *and* Sch. 14, Part X, *with effect from 15 March 1988.*
- F67** Finance Act 1986 Sch. 19, para. 33(2), *with effect from 18 March 1986.*
- F68** “149”  
*repealed by* Finance Act 1986 Sch. 23, Part X, *with effect from 18 March 1986.*
- F69** Finance Act 1989 s. 179(1)(e). *Originally* “rate for the time being applicable under section 233(2)(b) above.”
- F70** Finance Act 1989 s. 179(1)(e). *Originally* “rate for the time being applicable under section 233(2)(a) above.”
- F71** Finance Act 1989 s. 179(3). *Originally* “as if section 233(1)(b) above had applied.”

#### Marginal Citations

- M4** 1975 c.63.
- M5** S.I. 1979/924 (N.I.8).

### *Inland Revenue charge for unpaid tax*

#### 237 Imposition of charge.

- (1) Except as otherwise provided, where any tax charged on the value transferred by a chargeable transfer, or any interest on it, is for the time being unpaid a charge for the amount unpaid (to be known as an Inland Revenue charge) is by virtue of this section imposed in favour of the Board on—
- (a) any property to the value of which the value transferred is wholly or partly attributable, and
  - (b) where the chargeable transfer is made by the making of a settlement or is made under Part III of this Act, any property comprised in the settlement.
- (2) References in subsection (1) above to any property include references to any property directly or indirectly representing it.
- (3) Where the chargeable transfer is made on death, personal or movable property situated in the United Kingdom which was beneficially owned by the deceased immediately before his death and vests in his personal representatives is not subject to the

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Inland Revenue charge; and for this purpose [<sup>F72</sup>“personal property” does not include leaseholds][<sup>F73</sup>and undivided shares in land held on trust for sale, whether statutory or not,] and the question whether any property was beneficially owned by the deceased shall be determined without regard to section 49(1) above.

[<sup>F74</sup>(3A) In the case of a potentially exempt transfer which proves to be a chargeable transfer—

- (a) property concerned, or an interest in property concerned, which has been disposed of to a purchaser before the transferor’s death is not subject to the Inland Revenue charge, but
- (b) property concerned which has been otherwise disposed of before the death and property which at the death represents any property or interest falling within paragraph (a) above shall be subject to the charge;

and in this subsection “property concerned” means property to the value of which the value transferred by the transfer is wholly or partly attributable.]

[<sup>F75</sup>(3B) Subsection (3C) below applies to any tax charged—

- (a) under section 32, 32A or 79(3) above in respect of any property,
- (b) under paragraph 8 of Schedule 4 to this Act in respect of any property, or
- (c) under paragraph 1 or 3 of Schedule 5 to this Act with respect to any object or property.

<sup>F75</sup>(3C) Where any tax to which this subsection applies, or any interest on it, is for the time being unpaid, a charge for the amount unpaid is also by virtue of this section imposed in favour of the Board—

- (a) except where the event giving rise to the charge was a disposal to a purchaser of the property or object in question, on that property or object; and
- (b) in the excepted case, on any property for the time being representing that property or object.]

(4) No heritable property situated in Scotland is subject to the Inland Revenue charge, but where such property is disposed of any other property for the time being representing it is subject to the charge to which the first-mentioned property would have been subject but for this subsection.

(5) The Inland Revenue charge imposed on any property shall take effect subject to any incumbrance on it which is allowable as a deduction in valuing that property for the purposes of the tax.

(6) Except as provided by section 238 below, a disposition of property subject to an Inland Revenue charge shall take effect subject to that charge.

#### Textual Amendments

**F72** Words in s. 237(3) substituted (27.7.1999 with effect as mentioned in s. 107(3) of the amending Act) by 1999 c. 16, s. 107(1)(3)

**F73** Words in s. 237(3) repealed (1.1.1997) by 1996 c. 47, s. 25(2), Sch. 4 (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, art. 2

**F74** Finance Act 1986 Sch. 19, para. 34, with effect from 18 March 1986.

**F75** S. 237(3B)(3C) inserted (27.7.1999 with effect as mentioned in s. 107(3) of the amending Act) by 1999 c. 16, s. 107(2)(3)

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

**C8** S. 237(6) extended (13.10.2003) by 2002 c. 9, ss. 31, 136(2) (with s. 129); S.I. 2003/1725, art. 2(1)

**238 Effect of purchases.**

- (1) Where property subject to an Inland Revenue charge, or an interest in such property, is disposed of to a purchaser, then if at the time of the disposition—
- (a) in the case of land in England and Wales, the charge was not registered as a land charge or, in the case of registered land, was not protected by notice on the register, or
  - (b) in the case of land in Northern Ireland the title to which is registered under the <sup>M6</sup>Land Registration Act (Northern Ireland) 1970, the charge was not entered as a burden on the appropriate register maintained under that Act or was not protected by a caution or inhibition under that Act or, in the case of other land in Northern Ireland, the purchaser had no notice of the facts giving rise to the charge, or
  - (c) in the case of personal property situated in the United Kingdom other than such property as is mentioned in paragraph (a) or (b) above, and of any property situated outside the United Kingdom, the purchaser had no notice of the facts giving rise to the charge, or
  - (d) in the case of any property, a certificate of discharge had been given by the Board under section 239 below and the purchaser had no notice of any fact invalidating the certificate,
- the property or interest shall then cease to be subject to the charge but the property for the time being representing it shall be subject to it.
- (2) Where property subject to an Inland Revenue charge, or an interest in such property, is disposed of to a purchaser in circumstances where it does not then cease to be subject to the charge, it shall cease to be subject to it at the end of the period of six years beginning with the later of—
- (a) the date on which the tax became due, and
  - (b) the date on which a full and proper account of the property was first delivered to the Board in connection with the chargeable transfer concerned.
- (3) In this section “the time of the disposition” means—
- [<sup>F76</sup>(a) in relation to registered land—
    - (i) if the disposition is required to be completed by registration, the time of registration, and
    - (ii) otherwise, the time of completion,]
  - (b) in relation to other property, the time of completion.

**Textual Amendments**

**F76** S. 238(3)(a) substituted (13.10.2003) by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 17 (with s. 129); S.I. 2003/1725, art. 2(1)

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

**C9** S. 238 extended (13.10.2003) by 2002 c. 9, ss. 31, 136(2) (with s. 129); S.I. 2003/1725, art. 2(1)

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### Marginal Citations

M6 1970 c.18 (N.I.).

## *Certificates of discharge*

### 239 Certificates of discharge.

- (1) Where application is made to the Board by a person liable for any tax on the value transferred by a chargeable transfer which is attributable to the value of property specified in the application, the Board, on being satisfied that the tax so attributable has been or will be paid, may give a certificate to that effect, and shall do so if the chargeable transfer is one made on death or the transferor has died.
- (2) Where tax is or may be chargeable on the value transferred by a transfer of value and—
  - (a) application is made to the Board after the expiration of two years from the transfer (or, if the Board think fit to entertain the application, at an earlier time) by a person who is or might be liable for the whole or part of the tax, and
  - (b) the applicant delivers to the Board, if the transfer is one made on death, a full statement to the best of his knowledge and belief of all property included in the estate of the deceased immediately before his death and, in any other case, a full and proper account under this Part of this Act,

the Board may, as the case requires, determine the amount of the tax or determine that no tax is chargeable; and subject to the payment of any tax so determined to be chargeable the Board may give a certificate of their determination, and shall do so if the transfer of value is one made on death or the transferor has died.

[<sup>F77</sup>(2A) An application under subsection (1) or (2) above with respect to tax which is or may become chargeable on the value transferred by a potentially exempt transfer may not be made before the expiration of two years from the death of the transferor (except where the Board think fit to entertain the application at an earlier time after the death).]

- (3) Subject to subsection (4) below,—
  - (a) a certificate under subsection (1) above shall discharge the property shown in it from the Inland Revenue charge on its acquisition by a purchaser, and
  - (b) a certificate under subsection (2) above shall discharge all persons from any further claim for the tax on the value transferred by the chargeable transfer concerned and extinguish any Inland Revenue charge for that tax.
- (4) A certificate under this section shall not discharge any person from tax in case of fraud or failure to disclose material facts and shall not affect any further tax—
  - (a) that may afterwards be shown to be payable by virtue of section 93, 142, 143, 144 or 145 above,
  - [<sup>F78</sup>(aa) that may afterwards be shown to be payable by reason of too great an increase having been made under section 8A(3) above,] or
  - (b) that may be payable if any further property is afterwards shown to have been included in the estate of a deceased person immediately before his death;

but in so far as the certificate shows any tax to be attributable to the value of any property it shall remain valid in favour of a purchaser of that property without notice of any fact invalidating the certificate.

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- (5) References in this section to a transfer of value, or to the value transferred by a transfer of value, shall be construed as including references to an occasion on which tax is chargeable under Chapter III of Part III of this Act (apart from section 79) or to the amount on which tax is then chargeable.

#### Textual Amendments

**F77** Finance Act 1986 Sch. 19, para. 35, *with effect from 18 March 1986.*

**F78** S. 239(4)(aa) inserted (retrospective to 9.10.2007) by [Finance Act 2008 \(c. 9\)](#), s. 10, [Sch. 4 paras. 5, 9\(3\)](#)

### *Adjustments*

#### **240 Underpayments.**

- (1) Where too little tax has been paid in respect of a chargeable transfer the tax underpaid shall be payable with interest under section 233 above, whether or not the amount that has been paid was that stated as payable in a notice under section 221 above; but subject to section 239 above and to the following provisions of this section.
- (2) Where tax attributable to the value of any property is paid in accordance with an account duly delivered to the Board under this Part of this Act and the payment is made and accepted in full satisfaction of the tax so attributable, no proceedings shall be brought for the recovery of any additional tax so attributable after the end of the period of six years beginning with the later of—
- (a) the date on which the payment (or in the case of tax paid by instalments the last payment) was made and accepted, and
  - (b) the date on which the tax or the last instalment became due;
- and at the end of that period any liability for the additional tax and any Inland Revenue charge for that tax shall be extinguished.
- (3) In any case of fraud, wilful default or neglect by any of the following—
- (a) a person liable for the tax, and
  - (b) in the case of tax chargeable under Chapter III of Part III of this Act (apart from section 79), the person who is the settlor in relation to the settlement,
- the period mentioned in subsection (2) above shall be the period of six years beginning when the fraud, default or neglect comes to the knowledge of the Board.

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#### **[<sup>F79</sup>240A Underpayments: supplementary**

- (1) This section applies for the purposes of section 240.
- (2) A loss of tax is brought about carelessly by a person if the person fails to take reasonable care to avoid bringing about that loss.
- (3) Where—
  - (a) information is provided to Her Majesty's Revenue and Customs,

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- (b) the person who provided the information, or the person on whose behalf the information was provided, discovers some time later that the information was inaccurate, and
- (c) that person fails to take reasonable steps to inform Her Majesty's Revenue and Customs,

any loss of tax brought about by the inaccuracy is to be treated as having been brought about carelessly by that person.

- (4) References to a loss of tax brought about deliberately by a person include a loss of tax brought about as a result of a deliberate inaccuracy in a document given to Her Majesty's Revenue and Customs by or on behalf of that person.]

#### Textual Amendments

**F79** S. 240A inserted (1.4.2011) by Finance Act 2009 (c. 10), s. 99, Sch. 51 para. 12; S.I. 2010/867, art. 2(2)

### 241 Overpayments.

- (1) If it is proved to the satisfaction of the Board that too much tax has been paid on the value transferred by a chargeable transfer or on so much of that value as is attributable to any property, the Board shall repay the excess unless the claim for repayment was made more than six years after the date on which the payment or last payment of the tax was made.
- (2) References in this section to tax include references to interest on tax.

#### *Recovery of tax*

### 242 Recovery of tax.

- (1) The Board shall not take any legal proceedings for the recovery of any amount of tax or of interest on tax which is due from any person unless the amount has been agreed in writing between that person and the Board or has been determined and specified in a notice under section 221 above.
- (2) Where an amount has been so determined and specified but an appeal to which this subsection applies is pending against the determination the Board shall not take any legal proceedings to recover the amount determined except such part of it as may be agreed in writing or determined and specified in a further notice under section 221 above to be a part not in dispute.
- (3) Subsection (2) above applies to any appeal under section 222 above but not to any further appeal; and section 222 above shall have effect, in relation to a determination made in pursuance of subsection (2) above, as if [<sup>F80</sup>subsections (4) to (4B)] of that section were omitted.

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#### Textual Amendments

**F80** Words in s. 242(3) substituted (27.7.1993: the substituting section applying as mentioned in s. 200(3) of c. 34) by 1993 c. 34, s. 200(2)(3).

### 243 Scotland: recovery of tax in sheriff court.

In Scotland, tax and interest on tax may, without prejudice to any other remedy, and if the amount of the tax and interest does not exceed the sum for the time being specified in section 35(1)(a) of the <sup>M7</sup>Sheriff Courts (Scotland) Act 1971, be sued for and recovered in the sheriff court.

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

**C10** See Part II, Other Legislation.

#### Marginal Citations

**M7** 1971 c.58.

### 244 Rights to address court.

An officer of the Board who is authorised by the Board to do so may address the court in any proceedings in a <sup>F81</sup>. . . sheriff court for the recovery of tax or interest on tax.

#### Textual Amendments

**F81** Words in s. 244 omitted (21.7.2008) by virtue of Finance Act 2008 (c. 9), s. 137(4) (with s. 137(7))

## *Penalties*

### [<sup>F82</sup>245 Failure to deliver accounts.

- (1) This section applies where a person (“the taxpayer”) fails to deliver an account under section 216 or 217 above.
- (2) The taxpayer shall be liable—
  - (a) to a penalty [<sup>F83</sup>of] £100; and
  - (b) to a further penalty not exceeding £60 for every day after the day on which the failure has been declared by a court or the Special Commissioners and before the day on which the account is delivered.
- (3) If—
  - (a) proceedings in which the failure could be declared are not commenced before the end of the relevant period, and
  - (b) the taxpayer has not delivered the account by the end of that period,
 he shall be liable to a further penalty [<sup>F83</sup>of] £100.



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- (4) In subsection (3) above “the relevant period” means the period of six months beginning immediately after the end of the period given by section 216(6) or (7) or section 217 above (whichever is applicable).

- [ Without prejudice to any penalties under subsections (2) and (3) above, if—
- <sup>F84</sup>(4A) (a) the failure by the taxpayer to deliver the account continues after the anniversary of the end of the period given by section 216(6) or (7) (whichever is applicable), and
- (b) there would have been a liability to tax shown in the account,
- the taxpayer shall be liable to a penalty of an amount not exceeding £3,000.]
- (5) If the taxpayer proves that his liability to tax does not exceed a particular amount, the penalty under subsection (2)(a) above, together with any penalty under subsection (3) above, shall not exceed that amount.
- (6) A person shall not be liable to a penalty under subsection (2)(b) above if he delivers the account required by section 216 or 217 before proceedings in which the failure could be declared are commenced.
- (7) A person who has a reasonable excuse for failing to deliver an account shall not be liable by reason of that failure to a penalty under this section, unless he fails to deliver the account without unreasonable delay after the excuse has ceased.]

#### Textual Amendments

- F82** Ss. 245, 245A substituted for s. 245 (27.7.1999 with effect as mentioned in s. 108(3) of the amending Act) by 1999 c. 16, s. 108(1)(3)
- F83** Word in s. 245(2)(a)(3) substituted (with effect as mentioned in s. 295(5) of the amending Act) by Finance Act 2004 (c. 12), s. 295(2)(a)
- F84** S. 245(4A) inserted (with effect as mentioned in s. 295(6) of the amending Act) by Finance Act 2004 (c. 12), s. 295(2)(b)

#### <sup>F85</sup>245A Failure to provide information etc.

- (1) A person who fails to make a return under section 218 above shall be liable—
- (a) to a penalty not exceeding £300; and
- (b) to a further penalty not exceeding £60 for every day after the day on which the failure has been declared by a court or the Special Commissioners and before the day on which the return is made.
- [<sup>F86</sup>(1A) A person who fails to comply with the requirements of section 218A above shall be liable—
- (a) to a penalty not exceeding £100; and
- (b) to a further penalty not exceeding £60 for every day after the day on which the failure has been declared by a court or the Special Commissioners and before the day on which the requirements are complied with.]
- [<sup>F87</sup>(1B) Without prejudice to any penalties under subsection (1A) above, if a person continues to fail to comply with the requirements of section 218A after the anniversary of the end of the period of six months referred to in section 218A(1), he shall be liable to a penalty of an amount not exceeding £3,000.]

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*Changes to legislation: There are currently no known outstanding effects for the Inheritance Tax Act 1984, PART VIII. (See end of Document for details)*

- (2) A person who fails to comply with a notice under section 219 above shall be liable—
- (a) to a penalty not exceeding £300; and
  - (b) to a further penalty not exceeding £60 for every day after the day on which the failure has been declared by a court or the Special Commissioners and before the day on which the notice is complied with.
- (3) A person who fails to comply with a notice under section 219A(1) or (4) above shall be liable—
- (a) to a penalty not exceeding £50; and
  - (b) to a further penalty not exceeding £30 for every day after the day on which the failure has been declared by a court or the Special Commissioners and before the day on which the notice is complied with.
- (4) A person shall not be liable to a penalty under subsection (1)(b), [F88(1A)(b),] (2)(b) or (3)(b) above if—
- (a) he makes the return required by section 218 above,
  - [F89(aa) he complies with the requirements of section 218A above,]
  - (b) he complies with the notice under section 219 above, or
  - (c) he complies with the notice under section 219A(1) or (4) above,
- before proceedings in which the failure could be declared are commenced.
- (5) A person who has a reasonable excuse for failing to make a return [F90, to comply with the requirements of section 218A] or to comply with a notice shall not be liable by reason of that failure to a penalty under this section, unless he fails to make the return [F91, to comply with the requirements of section 218A] or to comply with the notice without unreasonable delay after the excuse has ceased.

#### Textual Amendments

- F85** Ss. 245, 245A substituted for s. 245 by (27.7.1999 with effect as mentioned in s. 108(3) of the amending Act) by 1999 c. 16, s. 108(1)(3)
- F86** S. 245A(1A) inserted (24.7.2002 with application as mentioned in s. 120(4) of the amending Act) by 2002 c. 23, s. 120(3)(a),(4)
- F87** S. 245A(1B) inserted (with effect as mentioned in s. 295(7) of the amending Act) by Finance Act 2004 (c. 12), s. 295(3)(a)
- F88** Words in s. 245A(4) inserted (24.7.2002 with application as mentioned in s. 120(4) of the amending Act) by 2002 c. 23, s. 120(3)(b),(4)
- F89** S. 245A(4)(aa) inserted (24.7.2002 with application as mentioned in s. 120(4) of the amending Act) by 2002 c. 23, s. 120(3)(b),(4)
- F90** Words in s. 245A(5) inserted (with effect as mentioned in s. 295(8) of the amending Act) by Finance Act 2004 (c. 12), s. 295(3)(b)(i)
- F91** Words in s. 245A(5) inserted (with effect as mentioned in s. 295(8) of the amending Act) by Finance Act 2004 (c. 12), s. 295(3)(b)(ii)

**F92** 246 .....

#### Textual Amendments

- F92** S. 246 repealed (1.9.1994) by S.I. 1994/1813, reg. 2(1), Sch. 1 para. 20, Sch. 2 Pt. I

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## 247 Provision of incorrect information.

- (1) If any person liable for any tax on the value transferred by a chargeable transfer fraudulently or negligently delivers, furnishes or produces to the Board any incorrect account, information or document, he shall be liable [<sup>F93</sup>to a penalty not exceeding the difference mentioned in subsection (2) below].
- (2) The difference referred to in subsection (1) above is the amount by which the tax for which that person is liable [<sup>F94</sup>, or for which any other person is liable by virtue of the operation of section 8A above,] exceeds what would be the amount of that tax if the facts were as shown in the account, information or document.
- (3) Any person not liable for tax on the value transferred by a chargeable transfer who fraudulently or negligently furnishes or produces to the Board any incorrect information or document in connection with the transfer shall be liable [<sup>F95</sup>to a penalty not exceeding £3,000].
- (4) Any person who assists in or induces the delivery, furnishing or production in pursuance of this Part of this Act of any account, information or document which he knows to be incorrect shall be liable to a penalty not exceeding [<sup>F96</sup>£3,000] .

### Textual Amendments

- F93** Words in s. 247(1) substituted (with effect as mentioned in s. 295(9) of the amending Act) by Finance Act 2004 (c. 12), s. 295(4)(a)
- F94** Words in s. 247(2) inserted (21.7.2008) by Finance Act 2008 (c. 9), s. 10, Sch. 4 para. 6
- F95** Words in s. 247(3) substituted (with effect as mentioned in s. 295(9) of the amending Act) by Finance Act 2004 (c. 12), s. 295(4)(b)
- F96** Words in s. 247(4) substituted (27.7.1999 with effect as mentioned in s. 108(4) in the amending Act) by 1999 c. 16, s. 108(2)(c)

### Modifications etc. (not altering text)

- C11** S. 247 restricted (22.7.2004 for certain purposes and otherwise 1.8.2004) by Finance Act 2004 (c. 12), s. 313(4)(c) (with ss. 314, 319(5))

## 248 Failure to remedy errors.

- (1) If after any account, information or document has been delivered, furnished or produced by any person without fraud or negligence it comes to his notice that it was incorrect in any material respect it shall be treated for the purposes of section 247 above as having been negligently delivered, furnished or produced unless the error is remedied without unreasonable delay.
- (2) If after any account, information or document has been delivered, furnished or produced by any person in pursuance of this Part of this Act it comes to the notice of any other person that it contains an error whereby tax for which that other person is liable has been or might be underpaid, that other person shall inform the Board of the error; and if he fails to do so without unreasonable delay he shall be liable to the penalty to which he would be liable under section 247 above if the account, information or document had been delivered, furnished or produced by him and the case were one of negligence.

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## 249 Recovery of penalties.

- (1) All proceedings for the recovery of penalties under this Part of this Act shall be commenced by the Board, or in Scotland, by the Board or the Lord Advocate.
- (2) Any such proceedings may be commenced either before the Special Commissioners or in the High Court or the Court of Session and shall, if brought in the High Court, be deemed to be civil proceedings by the Crown within the meaning of Part II of the <sup>M8</sup>Crown Proceedings Act 1947 or, as the case may be, that Part as for the time being in force in Northern Ireland.
- (3) Where any such proceedings are brought before the Special Commissioners, an appeal shall lie from their decision to the High Court or, as the case may be, the Court of Session—
  - (a) by either party, on a question of law, and
  - (b) by the defendant (or, in Scotland, defender) against the amount of any penalty awarded; and on appeal under paragraph (b) above the Court may either confirm the decision or reduce or increase the sum awarded.
- (4) Proceedings under this section before the Special Commissioners shall be by way of information in writing made to them, and upon summons issued by them to the defendant (or defender) to appear before them at a time and place stated in the summons, and they shall hear and determine each case in a summary way.
- (5) References in this section to the Court of Session are references to that Court as the Court of Exchequer in Scotland.

### Modifications etc. (not altering text)

**C12** S. 249(1):transfer of functions (S.) (20.5.1999) by S.I. 1999/679, arts. 1(2), 2, **Sch**; S.I. 1998/3178, art. 2(2), **Sch. 4**

### Marginal Citations

**M8** 1947 c.44.

## 250 Time limit for recovery.

- (1) No proceedings for the recovery of a penalty under this Part of this Act shall be brought after the end of the period of three years beginning with the date on which the amount of the tax properly payable in respect of the chargeable transfer concerned was notified by the Board to the person or one of the persons liable for the tax or any part of it.
- (2) Where the person who has incurred any such penalty has died, any proceedings for the recovery of the penalty which have been or could have been commenced against him may be continued or commenced against his personal representatives, and any penalty awarded in proceedings so continued or commenced shall be a debt due from and payable out of his estate.

## <sup>F97</sup> 251 Appeals against summary determination of penalties.

- (1) An appeal shall lie to the High Court or the Court of Session against the summary determination by the Special Commissioners of a penalty under regulation 24 of the

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Special Commissioners (Jurisdiction and Procedure) Regulations 1994 in proceedings relating to inheritance tax.

- (2) On such an appeal the Court may either confirm or reverse the determination of the Special Commissioners or reduce or increase the sum determined.]

**Textual Amendments**

**F97** S. 251 and sidenote substituted (1.9.1994) by S.I. 1994/1813, reg. 2(1), **Sch. 1 para.22**

**252 Effect of award by Special Commissioners.**

Any penalty awarded by the Special Commissioners shall be recoverable by the Board as a debt due to the Crown.

**253 Mitigation of penalties.**

The Board may in their discretion mitigate any penalty, or stay or compound any proceedings for recovery of any penalty, and may also, after judgment, further mitigate or entirely remit the penalty.

*Miscellaneous*

**254 Evidence.**

- (1) For the purposes of the preceding provisions of this Part of this Act, a notice under section 221 above specifying any determination which can no longer be varied or quashed on appeal shall be sufficient evidence of the matters determined.
- (2) <sup>F98</sup> .....

**Textual Amendments**

**F98** S. 254(2) omitted (21.7.2008) by virtue of **Finance Act 2008 (c. 9)**, s. 138, **Sch. 44 para. 3**

**255 Determination of questions on previous view of law.**

Where any payment has been made and accepted in satisfaction of any liability for tax and on a view of the law then generally received or adopted in practice, any question whether too little or too much has been paid or what was the right amount of tax payable shall be determined on the same view, notwithstanding that it appears from a subsequent legal decision or otherwise that the view was or may have been wrong.

**256 Regulations about accounts, etc.**

- (1) The Board may make regulations—
- (a) dispensing with the delivery of accounts under section 216 above in such cases as may be specified in [<sup>F99</sup>or determined under] the regulations;
- [<sup>F100</sup>(aa) requiring persons who by virtue of regulations under paragraph (a) above are not required to deliver accounts under section 216 above to produce

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to the Board, in such manner as may be specified in or determined under the regulations, such information or documents as may be so specified or determined]

- (b) discharging, subject to such restrictions as may be so specified [<sup>F101</sup>or determined] , property from an Inland Revenue charge and persons from further claims for tax in cases other than those mentioned in section 239 above;
- (c) <sup>F102</sup> .....
- (d) modifying section 264(8) below in cases where the delivery of an account has been dispensed with under the regulations.

[<sup>F103</sup>(1A) Regulations under subsection (1)(aa) may in particular—

- (a) provide that information or documents must be produced to the Board by producing it or them to—
  - (i) a probate registry in England and Wales;
  - (ii) the sheriff in Scotland;
  - (iii) the Probate and Matrimonial Office in Northern Ireland;
- (b) provide that information or documents produced as specified in paragraph (a) is or are to be treated for any or all purposes of this Act as produced to the Board;
- (c) provide for the further transmission to the Board of information or documents produced as specified in paragraph (a).]

(2) <sup>F104</sup> .....

(3) Regulations under this section may contain such supplementary or incidental provisions as the Board think fit [<sup>F105</sup>and may make different provision for different cases] .

[<sup>F106</sup>(3A) Regulations under this section may only be made—

- (a) in relation to England and Wales, after consulting the Lord Chancellor;
- (b) in relation to Scotland, after consulting the Scottish Ministers;
- (c) in relation to Northern Ireland, after consulting the Lord Chief Justice of Northern Ireland.

(3B) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (3A)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the House of Commons.

**Textual Amendments**

- F99** Words in s. 256(1)(a) substituted (22.7.2004) by Finance Act 2004 (c. 12), s. 293(2)(a)
- F100** S. 256(1)(aa) inserted (22.7.2004) by Finance Act 2004 (c. 12), s. 293(2)(b)
- F101** Words in s. 256(1)(b) inserted (22.7.2004) by Finance Act 2004 (c. 12), s. 293(2)(c)
- F102** S. 256(1)(c) repealed (22.7.2004) by Finance Act 2004 (c. 12), ss. 293(2)(d), 326, Sch. 42 Pt. 4(1)
- F103** S. 256(1A) inserted (22.7.2004) by Finance Act 2004 (c. 12), s. 293(3)
- F104** S. 256(2) repealed (22.7.2004) by Finance Act 2004 (c. 12), ss. 293(4), 326, Sch. 42 Pt. 4(1)

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**F105** Words in s. 256(3) inserted (22.7.2004) by Finance Act 2004 (c. 12), s. 293(5)

**F106** S. 256(3A)(3B) substituted for s. 256(3A) (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), Sch. 4 para. 176; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(r)

## 257 Form etc. of accounts.

- (1) All accounts and other documents required for the purposes of this Act shall be in such form and shall contain such particulars as may be prescribed by the Board.
- (2) All accounts to be delivered to the Board under this Act shall be supported by such books, papers and other documents, and verified (whether on oath or otherwise) in such manner, as the Board may require.
- (3) For the purposes of this Act, an account delivered to a probate registry pursuant to arrangements made between the President of the Family Division and the Board or delivered to the Probate and Matrimonial Office in Northern Ireland pursuant to arrangements made between the [<sup>F107</sup>Lord Chief Justice of Northern Ireland] and the Board shall be treated as an account delivered to the Board.
- [<sup>F108</sup>(4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (3)—
  - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

### Textual Amendments

**F107** Words in s. 257(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), Sch. 4 para. 177(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(r)

**F108** S. 257(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), Sch. 4 para. 177(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(r)

## 258 Service of documents.

A notice or other document which is to be served on a person under this Act may be delivered to him or left at his usual or last known place of residence or served by post, addressed to him at his usual or last known place of residence or his place of business or employment.

## 259 Inspection of records.

Section 16 of the <sup>M9</sup>Stamp Act 1891, section 56 of the <sup>M10</sup>Finance Act 1946 and section 27 of the <sup>M11</sup>Finance (No.2) Act (Northern Ireland) 1946 (inspection of public records and records of unit trusts) shall apply in relation to [<sup>F109</sup>inheritance tax] as they apply in relation to stamp duties.

### Textual Amendments

**F109** See Finance Act 1986 s. 100(1) and (2)—for any liability to tax arising on and after 25 July 1986 any reference in the legislation to capital transfer tax has effect as a reference to inheritance tax.

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#### **Marginal Citations**

**M9** 1891 c.39.

**M10** 1946 c.64.

**M11** 1946 c.17. (N.I.).

### **260 Inland Revenue Regulation Act 1890.**

Sections 21, 22 and 35 of the <sup>M12</sup>Inland Revenue Regulation Act 1890 (proceedings for fines, etc.) shall not apply in relation to [<sup>F110</sup>inheritance tax].

#### **Textual Amendments**

**F110** See Finance Act 1986 s. 100(1) and (2)—for any liability to tax arising on and after 25 July 1986 any reference in the legislation to capital transfer tax has effect as a reference to inheritance tax.

#### **Marginal Citations**

**M12** 1890 c.21.

### **261 Scotland inventories.**

In the application of this Part of this Act to Scotland, references to an account required to be delivered to the Board by the personal representatives of a deceased person, however expressed, shall be construed as references to such an inventory or additional inventory as is mentioned in section 38 of the <sup>M13</sup>Probate and Legacy Duties Act 1808 which has been duly exhibited as required by that section.

#### **Marginal Citations**

**M13** 1808 c.149.



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**Changes to legislation:**

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