

## SCHEDULES

### SCHEDULE 1

#### PENALTIES: PROCEDURE AND APPEALS

##### *Penalty proceedings before Commissioners*

- 4 (1) An officer of the Board authorised by the Board for the purposes of this paragraph may commence proceedings for any penalty to which sub-paragraph (1) of paragraph 1 does not apply by virtue of sub-paragraph (2) of that paragraph.
- (2) Proceedings under this paragraph shall be by way of information in writing, made to the General or Special Commissioners, and upon summons issued by them to the defendant (or, in Scotland, the defender) to appear before them at a time and place stated in the summons; and they shall hear and decide each case in a summary way.
- (3) Part 6 of the Taxes Management Act 1970 (c. 9) shall apply in relation to a penalty determined in proceedings under this paragraph as if it were tax charged in an assessment and due and payable.
- (4) An appeal against the determination of a penalty in proceedings under this paragraph shall lie to the High Court or, in Scotland, to the Court of Session as the Court of Exchequer in Scotland—
- (a) by any party on a question of law, and
  - (b) by the defendant (or, in Scotland, the defender) against the amount of the penalty.
- (5) On any such appeal the court may—
- (a) if it appears that no penalty has been incurred, set the determination aside;
  - (b) if the amount determined appears to be appropriate, confirm the determination;
  - (c) if the amount determined appears to be excessive, reduce it to such other amount (including nil) as the court considers appropriate;
  - (d) if the amount determined appears to be insufficient, increase it to such amount not exceeding the permitted maximum as the court considers appropriate.