
Changes to legislation: Finance Act 2004, Paragraph 8 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 11

CONDITIONS FOR REGISTRATION FOR GROSS PAYMENT

PART 2

CONDITIONS TO BE SATISFIED BY FIRMS

The compliance test

- 8 (1) Subject to sub-paragraphs (2) and (3), each of the persons who are partners at the time of the application must have complied, so far as any such charge to income tax or corporation tax is concerned as falls to be computed by reference to the profits or gains of the firm's business, with—
- [^{F1}(a) any obligation imposed on that partner in the qualifying period (see paragraph 14)—
- (i) to pay the amount liable to be deducted under section 61 of this Act from payments made during that period,
 - (ii) to submit returns as required by regulations made under section 70 of this Act,
 - (iii) to pay the tax liable to be deducted under the PAYE Regulations (S.I. 2003/2682), and
 - (iv) to submit a self-assessment return, and]
- (b) all requests made in the qualifying period to him as such a partner to supply to the Inland Revenue accounts of, or other information about, the firm's business or his share of the profits or gains of that business.
- (2) Where a person has failed to comply with such an obligation or request as—
- (a) is referred to in sub-paragraph (1), and
 - (b) is of a kind prescribed by regulations made by the Board of Inland Revenue,
- the firm is, in such circumstances as may be prescribed by the regulations, to be treated, in relation to that partner, as satisfying the condition in that sub-paragraph as regards that obligation or request.
- (3) Where a person has failed to comply with such an obligation or request as is referred to in sub-paragraph (1), the firm is to be treated, in relation to that partner, as satisfying the condition in that sub-paragraph as regards that obligation or request if the Board of Inland Revenue are of the opinion that—
- (a) the person had a reasonable excuse for the failure to comply, and
 - (b) if the excuse ceased, he complied with the obligation or request without unreasonable delay after the excuse had ceased.

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- (4) There must be reason to expect that each of the persons who are from time to time partners in the firm will, in respect of periods after the qualifying period, comply with such obligations and requests as are referred to in sub-paragraph (1).
- (5) Subject to sub-paragraphs (2) and (3), a person is not to be taken for the purposes of this paragraph to have complied with any such obligation or request as is referred to in sub-paragraph (1) if there has been a contravention of a requirement as to—
- (a) the time at which, or
 - (b) the period within which,
- the obligation or request was to be complied with.
- [^{F2}(6) This paragraph is subject to paragraph 8A (exception from compliance test: firms).]

Textual Amendments

- F1** Sch. 11 para. 8(1)(a) substituted (6.4.2016) by [The Income Tax \(Construction Industry Scheme\) \(Amendment of Schedule 11 to the Finance Act 2004\) Order 2016 \(S.I. 2016/404\)](#), arts. 1, **2(b)**
- F2** Sch. 11 para. 8(6) inserted (6.4.2015) by [The Income Tax \(Construction Industry Scheme\) \(Amendment of Schedule 11 to the Finance Act 2004\) Order 2015 \(S.I. 2015/789\)](#), arts. 1, **2(a)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 236ZA inserted by [S.I. 2024/357 art. 2\(2\)](#)