



# Finance Act 2009

## 2009 CHAPTER 10

### PART 7

#### ADMINISTRATION

##### *Interest*

#### **101 Late payment interest on sums due to HMRC**

- (1) This section applies to any amount that is payable by a person to HMRC under or by virtue of an enactment.
- (2) But this section does not apply to—
  - (a) an amount of corporation tax,
  - (b) an amount of petroleum revenue tax, or
  - (c) an amount of any description specified in an order made by the Treasury.
- (3) An amount to which this section applies carries interest at the late payment interest rate from the late payment interest start date until the date of payment.
- (4) The late payment interest start date in respect of any amount is the date on which that amount becomes due and payable.
- (5) In Schedule 53—
  - (a) Part 1 makes special provision as to the amount on which late payment interest is calculated,
  - (b) Part 2 makes special provision as to the late payment interest start date,
  - (c) Part 3 makes special provision as to the date to which late payment interest runs, and
  - (d) Part 4 makes provision about the effect that the giving of a relief has on late payment interest.
- (6) Subsection (3) applies even if the late payment interest start date is a non-business day within the meaning of section 92 of the Bills of Exchange Act 1882.

*Status: Point in time view as at 14/09/2023. This version of this provision has been superseded.*

*Changes to legislation: Finance Act 2009, Section 101 is up to date with all changes known to be in force on or before 25 June 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)*

- (7) Late payment interest is to be paid without any deduction of income tax.
- (8) Late payment interest is not payable on late payment interest.
- (9) For the purposes of this section any reference to the payment of an amount to HMRC includes a reference to its being set off against an amount payable by HMRC (and, accordingly, the reference to the date on which an amount is paid includes a reference to the date from which the set-off takes effect).

<sup>F1</sup>(10) .....

<sup>F2</sup>(11) .....

#### Textual Amendments

- F1** S. 101(10) omitted (31.12.2020) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(3), [Sch. 8 para. 116](#) (with savings and transitional provisions in [S.I. 2019/105](#) (as amended by [S.I. 2020/1495](#), regs. 1(2), 21), [S.I. 2020/1545](#), Pt. 4 and 2020 c. 26, [Sch. 2 para. 7\(7\)-\(9\)](#)); [S.I. 2020/1642](#), reg. 4(b) (with reg. 7)
- F2** S. 101(11) omitted (31.12.2020) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(3), [Sch. 8 para. 116](#) (with savings and transitional provisions in [S.I. 2019/105](#) (as amended by [S.I. 2020/1495](#), regs. 1(2), 21), [S.I. 2020/1545](#), Pt. 4 and 2020 c. 26, [Sch. 2 para. 7\(7\)-\(9\)](#)); [S.I. 2020/1642](#), reg. 4(b) (with reg. 7)

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

- C1** S. 101 applied by [S.R. 2009/128](#), [reg. 34](#) (as substituted (N.I.) (31.10.2011) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/137\)](#), regs. 1(2), 7)
- C2** S. 101 applied by [S.I. 2009/470](#) reg. 39(2)(b) (as substituted (31.10.2011) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations 2011 \(S.I. 2011/784\)](#), regs. 1(2), 8)
- C3** S. 101 applied (19.4.2013) by [The Small Charitable Donations Regulations 2013 \(S.I. 2013/938\)](#), regs. 1, 14
- C4** S. 101 applied (with modifications) by 1992 c.7 (N.I.), s. 11A(1)(3) (as inserted (with effect in accordance with [Sch. 1 para. 35](#) of the amending Act) by [National Insurance Contributions Act 2015 \(c. 5\)](#), [Sch. 1 para. 12](#))
- C5** S. 101 applied (with modifications) by 1992 c. 4, s. 11A(1)(3) (as inserted (with effect in accordance with [Sch. 1 para. 35](#) of the amending Act) by [National Insurance Contributions Act 2015 \(c. 5\)](#), [Sch. 1 para. 3](#))
- C6** S. 101 applied by [The Individual Savings Account Regulations 1998 \(S.I. 1998/1870\)](#), [Sch. para. 15\(2\)](#) (as inserted (6.4.2017) by [The Individual Savings Account \(Amendment No. 2\) Regulations 2017 \(S.I. 2017/466\)](#), regs. 1, 31)
- C7** S. 101 applied (25.1.2018) by [The Help-to-Save Accounts Regulations 2018 \(S.I. 2018/87\)](#), regs. 1, 17(3)
- C8** S. 101 applied by [The Registered Pension Schemes \(Relief at Source\) Regulations 2005 \(S.I. 2005/3448\)](#), [reg. 10\(6\)](#) (as substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Registered Pension Schemes \(Relief at Source\) \(Amendment\) Regulations 2018 \(S.I. 2018/150\)](#), regs. 1, 3(c))
- C9** S. 101 excluded by [S.I. 2022/1298](#), [art. 1A](#) (as inserted (retrospective to 15.3.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), s. 334(1)(4)(5))
- C10** S. 101 applied (14.9.2023) by [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) \(No. 2\) Regulations 2023 \(S.I. 2023/912\)](#), regs. 1(2), 42(1) (with reg. 1(3))
- C11** S. 101(4) modified (E.W.S.) (26.5.2020) by [The Statutory Sick Pay \(Coronavirus\) \(Funding of Employers Liabilities\) Regulations 2020 \(S.I. 2020/512\)](#), regs. 1, 11(5)

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- C12** S. 101(4) modified (N.I.) (26.5.2020) by [The Statutory Sick Pay \(Coronavirus\) \(Funding of Employers Liabilities\) \(Northern Ireland\) Regulations 2020 \(S.I. 2020/513\)](#), regs. 1, **11(5)**
- C13** S. 101(4) modified (E.W.S) (14.1.2022) by [The Statutory Sick Pay \(Coronavirus\) \(Funding of Employers' Liabilities\) Regulations 2022 \(S.I. 2022/5\)](#), regs. 1, **11(5)**
- C14** S. 101(4) modified (N.I.) (14.1.2022) by [The Statutory Sick Pay \(Coronavirus\) \(Funding of Employers' Liabilities\) \(Northern Ireland\) Regulations 2022 \(S.I. 2022/9\)](#), regs. 1, **11(5)**

#### Commencement Information

- I1** S. 101 in force at 31.8.2010 for specified purposes by [S.I. 2010/1878](#), **art. 2** (with art. 3)
- I2** S. 101 in force at 6.10.2011 for specified purposes by [S.I. 2011/2391](#), **art. 2(c)**
- I3** S. 101 in force at 31.10.2011 for specified purposes by [S.I. 2011/701](#), **art. 3(1)** (with art. 4)
- I4** S. 101 in force at 1.2.2013 for specified purposes by [S.I. 2013/67](#), **art. 2**
- I5** S. 101 in force at 1.4.2013 for specified purposes by [S.I. 2013/280](#), **art. 2**
- I6** S. 101 in force at 1.10.2013 for specified purposes by [S.I. 2013/2472](#), **art. 2**
- I7** S. 101 in force at 6.5.2014 for specified purposes by [S.I. 2014/992](#), **art. 3(1)**  
S. 101 in force retrospectively at 6.5.2014 for further specified purposes by [Finance Act 2019 \(c. 1\)](#), **s. 88(6)**
- I8** S. 101 in force at 1.1.2015 for specified purposes by [S.I. 2014/3269](#), **art. 4(1)** (with art. 4(2))
- I9** S. 101 in force at 1.1.2015 for specified purposes by [S.I. 2014/3324](#), **art. 3**
- I10** S. 101 in force at 1.4.2015 for specified purposes by [S.I. 2015/974](#), **art. 2**
- I11** S. 101 in force at 6.4.2018 for specified purposes by [S.I. 2018/468](#), **art. 2(a)**
- I12** S. 101 in force at 6.4.2019 for specified purposes by [2019 c. 1, Sch. 2 para. 31](#)
- I13** S. 101 in force at 1.6.2019 for specified purposes by [S.I. 2019/918](#), **art. 2**
- I14** S. 101 in force at 1.6.2019 for specified purposes by [S.I. 2019/921](#), **art. 2**
- I15** S. 101 in force at 6.9.2019 for specified purposes by [S.I. 2019/1238](#), **art. 2** (with art. 3)
- I16** S. 101 in force at 5.10.2020 for specified purposes by [S.I. 2020/979](#), **art. 3(1)**
- I17** [S. 101](#) in force at 6.4.2021 for specified purposes by [S.I. 2021/445](#), **reg. 2**  
S. 101 in force at 6.4.2021 for specified purposes by [2020 c. 14, Sch. 1 para. 29](#) (with Sch. 1 paras. 30-34)  
S. 101 in force retrospectively at 6.4.2021 for specified purposes by [2022 c. 3, Sch. 10 para. 29](#)
- I18** [S. 101](#) in force at 1.4.2022 for specified purposes by [S.I. 2021/1409](#), **reg. 2(a)**
- I19** [S. 101](#) in force at 1.1.2023 for specified purposes by [S.I. 2022/1277](#), **reg. 2(2)(b)** (with reg. 3)
- I20** [S. 101](#) in force at 1.5.2023 for specified purposes by [S.I. 2023/385](#), **art. 2**

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