



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Status: Point in time view as at 04/03/2024.

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- (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).

^{F1}(10)

^{F2}(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 modified (10.6.2021 for specified purposes, 1.7.2021 in so far as not already in force) by 1994 c. 23, [Sch. 9ZF paras. 10, 11](#) (as inserted by [Finance Act 2021 \(c. 26\)](#), s. 95(6)(a), [Sch. 18 para. 6](#);

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- S.I. 2021/770, regs. 3, 4 (with regs. 5-7)) (as amended (1.3.2024) by The Value Added Tax (Distance Selling) (Amendments) Regulations 2024 (S.I. 2024/128), regs. 1(1), 6(3) (with reg. 1(2))
- C12** 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)
- C13** 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)
- C14** 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)
- C15** 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
- I21** S. 101 in force at 30.9.2023 for specified purposes by S.I. 2023/997, art. 2
- I22** S. 101 in force at 4.3.2024 for specified purposes by S.I. 2024/133, art. 2

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