



Finance Act 1960

1960 CHAPTER 44

PART III

INCOME TAX AND PROFITS TAX (PENALTIES AND ASSESSMENTS)

46 Penalties for failure to make certain returns, etc.

(1) Where any person—

- (a) has been required, by a notice or precept served under or for the purposes of any of the provisions specified in the first or second column of the Sixth Schedule to this Act, to deliver any return, statement, declaration, list or other document, to furnish any particulars, to produce any document, or to make anything available for inspection, and he fails to comply with the notice or precept; or
- (b) fails to furnish any information, give any certificate or produce any document or record in accordance with any of the provisions specified in the third column of that Schedule;

he shall be liable, subject to subsection (5) of this section, to a penalty not exceeding, except in the case mentioned in subsection (2) of this section, fifty pounds and, if the failure continues after it has been declared by the court or Commissioners before whom proceedings for the penalty have been commenced, to a further penalty not exceeding ten pounds for each day on which the failure so continues.

- (2) Where the said notice was served under or for the purposes of any of the provisions specified in the first column of the said Sixth Schedule (which relate to returns and statements concerning a person's own income) and the failure continues after the end of the year of assessment following that during which the notice was served, the first of the penalties mentioned in subsection (1) of this section shall be an amount not exceeding the aggregate of fifty pounds and the total amount of the tax with which the said person is charged (whether for one or for more than one year of assessment) in assessments—

- (a) based wholly or partly on any income that ought to have been included in the return or statement required by the notice; and

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item of legislation is currently only available in its original format.*

- (b) made after the end of the year next following the year of assessment in which the said notice was served.
- (3) Where in any year of assessment any amount was deducted from the said person's emoluments under section one hundred and fifty-seven (pay as you earn) of the Income Tax Act, 1952, and that amount exceeds the total amount (if any) charged in any assessments under Schedule E made on him for that year before the end of the year of assessment next following that in which the said notice was served, the amount of the excess shall be treated, for the purposes of subsection (2) of this section, as reducing the amount of the tax charged in assessments under Schedule E made on him for the first-mentioned year after the end of the said following year.
- (4) The reference in subsection (2) of this section to tax includes surtax, except that in relation to any statement required for the purposes of section one hundred and forty-four of the Income Tax Act, 1952 (which relates to partnerships) it does not include any tax not chargeable in the partnership name ; and in relation to a person's failure to deliver any other return or statement it does not include tax assessed in the name of a partnership on so much of the profits or gains assessed as falls to be included in the total income of any other person.
- (5) Except in the case mentioned in subsection (2) of this section, a person shall not be liable to any penalty incurred under this section for a failure to comply with any notice or precept, if the failure is remedied before proceedings for the recovery of the penalty are commenced.
- (6) Where a person is liable to more than one penalty of an amount determined under subsection (2) of this section, any assessment taken into account for the purposes of one of those penalties shall be left out of account for the purposes of the other or others.
- (7) The preceding provisions of this section shall have effect subject to the proviso to subsection (4) of section twenty and the proviso to subsection (1) of section twenty-seven of the Income Tax Act, 1952.