
STATUTORY INSTRUMENTS

1992 No. 58

**The Ports Act 1991 (Levy on
Disposals of Land, etc.) Order 1992**

ADMINISTRATION ETC.

Assessment

- 37.**—(1) If in relation to any disposal period it appears to the appropriate Minister—
- (a) that there are gains accruing to a chargeable company in respect of which levy is chargeable and which have not been stated in a disposal statement;
 - (b) that any amount of levy or interest on unpaid levy which ought to have been stated in a disposal statement has not been so stated;
 - (c) that a disposal statement has not been furnished as required by paragraph (1) of article 36; or
 - (d) that a disposal statement does not in a material respect comply with the requirements of paragraph (2) of article 36, or that a requirement of paragraph (3), (4) or (5) of that article has not been complied with in relation to the disposal statement;

the Minister may make an assessment to the best of his judgment of the amount or further amount of levy or interest on unpaid levy which ought in his opinion to be paid by the chargeable company on or in respect of any disposal which took place or is to be regarded for the purposes of section 17 of the 1991 Act and this Order as having taken place in the disposal period or on or in respect of any disposal which took place or is for those purposes to be regarded as having taken place in an earlier disposal period and in respect of which an amount or further amount of levy has by reason of an event in the disposal period to which the disposal statement relates become payable.

(2) In making an assessment by virtue of paragraph (1) above, the Minister shall have regard to all information available to him which appears to him to be relevant for the purpose.

(3) Notice of any assessment under paragraph (1) above shall be given in writing to the chargeable company and shall state separately the amount of any levy assessed, the rate or rates at which interest has run and will continue to run on unpaid levy, and the amount of any interest payable on unpaid levy, calculated to the date of the notice.

(4) Forthwith after receiving notice of an assessment under paragraph (1) above, the company shall pay to the appropriate Minister—

- (a) the amount of the levy assessed and interest on unpaid levy to the date of payment;
less—
- (b) any amount already paid to the Minister in respect of levy on gains accruing on chargeable disposals made or to be regarded as being made in the disposal period, and any interest thereon already paid to him.

(5) If a chargeable company disputes an assessment under paragraph (1) above, article 38 shall apply for the purpose of resolving the dispute; but pending resolution of the dispute the company shall remain liable to make any payment to the appropriate Minister as if the dispute had not been so referred.