
Status: This is the original version (as it was originally enacted).

SCHEDULE 7

PARTNERSHIPS

PART 3

ORDINARY PARTNERSHIP TRANSACTIONS

Introduction

- 8 This Part of this Schedule applies to land transactions entered into as buyers by or on behalf of the members of a partnership, other than transactions within Parts 4 to 8 of this Schedule.

Responsibility of partners

- 9 (1) Anything required or authorised to be done under this Act or TCMA by or in relation to the buyer in the transaction must be done by or in relation to all the responsible partners.
- (2) The responsible partners in relation to a transaction are—
- (a) the persons who are partners at the effective date of the transaction, and
 - (b) any person who becomes a member of the partnership after the effective date of the transaction.
- (3) This paragraph has effect subject to paragraph 10 (representative partners).

Representative partners

- 10 (1) Anything required or authorised to be done under this Act or TCMA in connection with the transaction by or in relation to the responsible partners may instead be done by or in relation to any representative partner or partners.
- (2) This includes making the declaration required by section 53 (declaration that return is complete and correct).
- (3) A “representative partner” means a partner nominated by a majority of the partners to act as the representative of the partnership for the purposes of this Act.
- (4) Any such nomination, or the revocation or such a nomination, has effect only after notice of the nomination, or revocation, has been given to WRA.

Joint and several liability of responsible partners

- 11 (1) Where the responsible partners are liable to pay—
- (a) tax or late payment interest on that tax,
 - (b) an amount under section 55 of TCMA (recovery of excessive repayment) or late payment interest on that amount, or
 - (c) a penalty under Part 5 of TCMA or late payment interest on that penalty,
- the liability is a joint and several liability of those partners.

Status: This is the original version (as it was originally enacted).

- (2) No amount may be recovered under sub-paragraph (1)(a) or (b) from a person who did not become a responsible partner until after the effective date of the transaction in respect of which the tax is payable.
- (3) No amount may be recovered under sub-paragraph (1)(c) from a person who did not become a partner until after the relevant time.
- (4) The relevant time is—
 - (a) in relation to so much of a penalty as is payable in respect of any day, or to late payment interest on so much of a penalty as is so payable, the beginning of that day;
 - (b) in relation to any other penalty, or to late payment interest on the penalty, the time when the act or omission occurred that caused the penalty to become payable.
- (5) In this paragraph, “late payment interest” means late payment interest under Part 6 of TCMA.