



# Revenue Scotland and Tax Powers Act 2014

2014 asp 16

## PART 8

### PENALTIES

#### CHAPTER 3

##### PENALTIES RELATING TO INACCURACIES

###### *Penalty for failure to notify under-assessment*

#### **186 Penalty for failure to notify under-assessment**

- (1) A penalty is payable by a person (“P”) where—
  - (a) a Revenue Scotland assessment understates P’s liability to a devolved tax, and
  - (b) P has failed to take reasonable steps to notify Revenue Scotland, within the period of 30 days beginning with the date of the assessment, that it is an under-assessment.
- (2) In deciding what steps (if any) were reasonable, Revenue Scotland must consider—
  - (a) whether P knew, or should have known, about the under-assessment, and
  - (b) what steps it would have been reasonable to take to notify Revenue Scotland.
- (3) The penalty payable under this section is 30% of the potential lost revenue.
- (4) In this section—
  - (a) “Revenue Scotland assessment” includes “Revenue Scotland determination”, and
  - (b) accordingly, references to an under-assessment include an under-determination.

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**Changes to legislation:** Revenue Scotland and Tax Powers Act 2014, Cross Heading: Penalty for failure to notify under-assessment is up to date with all changes known to be in force on or before 14 April 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) [View outstanding changes](#)

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#### Commencement Information

**II** [S. 186](#) in force at 1.4.2015 by [S.S.I. 2015/110](#), [art. 2\(1\)](#)

**Changes to legislation:**

Revenue Scotland and Tax Powers Act 2014, Cross Heading: Penalty for failure to notify under-assessment is up to date with all changes known to be in force on or before 14 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 141(3A)(3B) inserted by [2017 asp 2 Sch. 2 para. 2\(2\)](#)
- s. 215A-215G and cross-headings inserted by [2017 asp 2 Sch. 2 para. 21](#)
- s. 223(1)(d)(e) inserted by [2017 asp 2 Sch. 2 para. 24](#)
- s. 233(1)(j) inserted by [2017 asp 2 Sch. 2 para. 25\(2\)](#)
- s. 233(3A) inserted by [2017 asp 2 Sch. 2 para. 25\(3\)](#)