



Taxes Management Act 1970

1970 CHAPTER 9

PART IV

ASSESSMENT AND CLAIMS

Time limits

34 Ordinary time limit of [^{F1}4 years] .

(1) Subject to the following provisions of this Act, and to any other provisions of the Taxes Acts allowing a longer period in any particular class of case, [^{F2}an assessment to income tax or capital gains tax may be made at any time [^{F3}not more than 4 years after the end of] the year of assessment to which it relates].

[^{F4}(1A) In subsection (1) the reference to an assessment to capital gains tax includes a determination under section 29A (non-resident CGT disposals: determination of amount which should have been assessed).]

(2) An objection to the making of any assessment on the ground that the time limit for making it has expired shall only be made on an appeal against the assessment.

Textual Amendments

- F1** Words in s. 34 heading substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 118\(2\), Sch. 39 para. 7\(3\)](#) (with [Sch. 39 para. 66](#)); [S.I. 2009/403, art. 2\(2\)](#) (with [art. 10](#))
- F2** Words in s. 34(1) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 17](#); [S.I. 1998/3173, art. 2](#)
- F3** Words in s. 34(1) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 118\(2\), Sch. 39 para. 7\(2\)](#) (with [Sch. 39 para. 66](#)); [S.I. 2009/403, art. 2\(2\)](#) (with [art. 10](#))
- F4** S. 34(1A) inserted (with effect in accordance with Sch. 7 para. 60 of the amending Act) by [Finance Act 2015 \(c. 11\), Sch. 7 para. 48](#)

Modifications etc. (not altering text)

- C1** S. 34 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\), s. 1, Sch. 2 para. 1\(1\)](#)

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- C2** S. 34 applied (with modifications) by [The Lloyd’s Underwriters \(Tax\) Regulations 1989 \(S.I. 1989/421\)](#), Sch
- S. 34 applied (with modifications) by [The Lloyd’s Underwriters \(Tax\) \(1987—88\) Regulations 1990 \(S.I. 1990/627\)](#), reg. 3(2), Sch
- C3** S. 34 excluded (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), **ss. 248(2)**, 289 (with ss. 60, 101(1), 171, 201(3))
- C4** S. 34 applied (6.4.2006) by [The Registered Pension Schemes \(Accounting and Assessment\) Regulations 2005 \(S.I. 2005/3454\)](#), regs. 1, **12(a)**
- C5** S. 34 excluded by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), s. 248C(4) (as inserted (with effect in accordance with art. 8(2) of the amending S.I.) by S.I. 2010/157, arts. 1, **8(1)**)
- C6** S. 34(1) applied (with modification) (19.4.1991) by [The Lloyd’s Underwriters \(Tax\) \(1988–89\) Regulations 1991 \(S.I. 1991/851\)](#), regs. 1, 3(2), **Sch. 1**
- S. 34(1) extended (with modifications) (28.3.1992) by [The Lloyd’s Underwriters \(Tax\) \(1989—90\) Regulations 1992 \(S.I. 1992/511\)](#), **regs. 1, 3**, Sch. 1
- C7** S. 34(1) applied (with modifications) (23.3.1993) by [The Lloyd’s Underwriters \(Tax\) \(1990–91\) Regulations 1993 \(S.I. 1993/415\)](#), regs. 1(1), 3(2), **Sch.1**
- C8** S. 34(1) applied (with modifications) (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1991-92\) Regulations 1994 \(S.I. 1994/728\)](#), reg. 3(2), **Sch.**
- C9** S. 34(1) modified (with effect in accordance with reg. 6(3) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1992-93 to 1996-97\) Regulations 1995 \(S.I. 1995/352\)](#), regs. 1(1), **6(1)(2)**
- C10** S. 34(1) modified (with effect in accordance with reg. 7(3) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1992-93 to 1996-97\) Regulations 1995 \(S.I. 1995/352\)](#), regs. 1(1), **7(1)(2)**
- C11** S. 34(1) applied (with modifications) (6.4.2006) by [The Registered Pension Schemes \(Accounting and Assessment\) Regulations 2005 \(S.I. 2005/3454\)](#), regs. 1, **10**

[^{F5}35 Time limit: income received after year for which it is assessable

- (1) Where income to which this section applies is received in a year of assessment subsequent to that for which it is assessable, an assessment to income tax as respects that income may be made at any time [^{F6}not more than 4 years after the end of] the year of assessment in which it was received.
- (2) This section applies to—
 - (a) employment income,
 - (b) pension income, and
 - (c) social security income.]

Textual Amendments

- F5** S. 35 substituted (with effect in accordance with Sch. 17 para. 3(2) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), **Sch. 17 para. 3(1)** (note that s. 35 was previously repealed (with application in accordance with s. 58(4) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), Sch. 27 Pt. III(9))
- F6** Words in s. 35 substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), **Sch. 39 para. 8**; S.I. 2009/403, art. 2(2) (with art. 10)

[^{F7}36 [^{F8}Loss of tax brought about carelessly or deliberately etc]

- (1) An assessment on a person in a case involving a loss of income tax or capital gains tax brought about carelessly by the person may be made at any time not more than 6 years after the end of the year of assessment to which it relates (subject to subsection (1A) and any other provision of the Taxes Acts allowing a longer period).

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(1A) An assessment on a person in a case involving a loss of income tax or capital gains tax —

- (a) brought about deliberately by the person,
- (b) attributable to a failure by the person to comply with an obligation under section 7, ^{F10} ...
- (c) attributable to arrangements in respect of which the person has failed to comply with an obligation under section 309, 310 or 313 of the Finance Act 2004 (obligation of parties to tax avoidance schemes to provide information to Her Majesty's Revenue and Customs), ^{F11} or
- (d) attributable to arrangements which were expected to give rise to a tax advantage in respect of which the person was under an obligation to notify the Commissioners for Her Majesty's Revenue and Customs under section 253 of the Finance Act 2014 (duty to notify Commissioners of promoter reference number) but failed to do so,]

may be made at any time not more than 20 years after the end of the year of assessment to which it relates (subject to any provision of the Taxes Acts allowing a longer period).

(1B) In subsections (1) and (1A) references to a loss brought about by the person who is the subject of the assessment include a loss brought about by another person acting on behalf of that person.]

^{F12}(2) [^{F13}Where the person mentioned in subsection (1) or (1A) (“the person in default”) carried on a trade, profession or business with one or more other persons at any time in the period for which the assessment is made, an assessment in respect of the profits or gains of the trade, profession or business [^{F14}in a case] mentioned in [^{F15}subsection (1A) or (1B)] may be made not only on the person in default but also on his partner or any of his partners.]

(3) If the person on whom the assessment is made so requires, in determining the amount of the tax to be charged for any chargeable period in any assessment made [^{F16}in a case] mentioned in subsection (1) [^{F17}or (1A)] above, effect shall be given to any relief or allowance to which he would have been entitled for that chargeable period on a claim or application made within the time allowed by the Taxes Acts.

[In subsection (3) above, “claim or application” does not include an election under ^{F19}...
^{F18}(3A) [^{F20}any of sections 47 to 49 of ITA 2007][^{F21}(tax reductions for married couples and civil partners: elections to transfer relief)]^{F22}... .]

[Any act or omission such as is mentioned in section 98B below on the part of a
^{F23}(4) grouping (as defined in that section) or member of a grouping shall be deemed for the purposes of [^{F24}subsections (1) and (1A)] above to be the act or omission of each member of the grouping.]]

Textual Amendments

- F7** S. 36 substituted by [Finance Act 1989 \(c. 26\)](#), s. 149(1) but shall not affect making of assessments before 1983-84 or for accounting periods ending before 1 April 1983
- F8** S. 36 heading substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 9\(6\)](#) (with [Sch. 39 para. 66](#)); [S.I. 2009/403](#), art. 2(2) (with art. 10)
- F9** S. 36(1)-(1B) substituted for s. 36(1) (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 9\(2\)](#) (with [Sch. 39 para. 66](#)); [S.I. 2009/403](#), art. 2(2) (with arts. 7, 10)
- F10** Word in s. 36(1A) omitted (17.7.2014) by virtue of [Finance Act 2014 \(c. 26\)](#), s. 277(1)(a) (with ss. 269-271)

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- F11** S. 36(1A)(d) and preceding word inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 277(1)(b)** (with ss. 269-271)
- F12** S. 36(2) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 11(2)**; S.I. 1998/3173, art. 2
- F13** Words in s. 36(2) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 9(3)(a)** (with Sch. 39 para. 66); S.I. 2009/403, art. 2(2) (with art. 10)
- F14** Words in s. 36(2) substituted (1.4.2010) by Finance Act 2009 (c. 10), s. 99(2), **Sch. 51 para. 41**; S.I. 2010/867, art. 2(1)
- F15** Words in s. 36(2) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 9(3)(b)** (with Sch. 39 para. 66); S.I. 2009/403, art. 2(2) (with art. 10)
- F16** Words in s. 36(3) substituted (1.4.2010) by Finance Act 2009 (c. 10), s. 99(2), **Sch. 51 para. 41**; S.I. 2010/867, art. 2(1)
- F17** Words in s. 36(3) inserted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 9(4)** (with Sch. 39 para. 66); S.I. 2009/403, art. 2(2) (with art. 10)
- F18** S. 36(3A) inserted (16.7.1992) by Finance (No. 2) Act 1992 (c. 48), s. 20, Sch. 5 paras. 9(2), **10**
- F19** Words in s. 36(3A) omitted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by virtue of Finance Act 2009 (c. 10), **Sch. 1 para. 6(a)(i)**
- F20** Words in s. 36(3A) inserted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 251(a)** (with Sch. 2)
- F21** Words in s. 36(3A) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 251(b)** (with Sch. 2)
- F22** Words in s. 36(3A) repealed (27.8.2002 for specified purposes, 6.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2002/1727, art. 2; S.I. 2003/962, art. 2(3)(e), Sch. 1
- F23** S. 36(4) added by Finance Act 1990 s. 69, Sch. 11 para. 4(1) *on and after 1 July 1989*.
- F24** Words in s. 36(4) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 9(5)** (with Sch. 39 para. 66); S.I. 2009/403, art. 2(2) (with art. 10)

Modifications etc. (not altering text)

- C12** S. 36 applied by The Income Tax (Entertainers and Sportsmen) Regulations 1987 (S.I. 1987/530), **reg. 11(2)**
- C13** S. 36 applied (1.10.1993) by The Income Tax (Manufactured Overseas Dividends) Regulations 1993 (S.I. 1993/2004), **reg. 11(7)**
- C14** S. 36 applied (2.1.1996) by The Gilt-edged Securities (Periodic Accounting for Tax on Interest) Regulations 1995 (S.I. 1995/3224), regs. 1, **18(1)** (with reg. 21)
- C15** S. 36 applied (2.1.1996) by The Lloyds Underwriters (Gilt-edged Securities) (Periodic Accounting for Tax on Interest) Regulations 1995 (S.I. 1995/3225), regs. 1, **10(1)** (with reg. 13)
- C16** S. 36 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by The Lloyds Underwriters (Tax) Regulations 2005 (S.I. 2005/3338), regs. 1(1), **11**
- C17** S. 36 applied by The Authorised Investment Funds (Tax) Regulations 2006 (S.I. 2006/964), **reg. 69Z33(3)** (as inserted (6.4.2008) by S.I. 2008/705, regs. 1, **5**)
- C18** S. 36(1) applied (with modifications) (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, **11**

^{F25} 37 Neglect: income tax and capital gains tax.

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Textual Amendments

- F25** Ss 37, 38, 39 repealed by [Finance Act 1989 \(c. 26\)](#), ss. 149(2), 187, **Sch. 17 Pt. VIII** (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

^{F26}**37A Effect of assessment where allowances transferred.**

Where an assessment is made on any person [^{F27}in a case falling within section 36(1) or (1A)], the fact that the person's [^{F28}liability to income tax or] total income for any year of assessment is assessed as greater than it was previously taken to be shall not affect the validity of [^{F29}any [^{F30}deduction from net income or tax reduction] made in the case of that person's spouse][^{F31}or civil partner]^{F32}... by virtue of ^{F33}... [^{F34}section 39, 51 or 52 of ITA 2007]^{F32}... ; [^{F35}and the entitlement in that case of the first-mentioned person for the year in question to any [^{F30}deduction from net income or tax reduction] shall be treated as correspondingly reduced].]

Textual Amendments

- F26** S. 37A inserted (for 1990-91 and subsequent years) by [Finance Act 1988 \(c. 39\)](#), s. 35, **Sch. 3 para. 30**
- F27** Words in s. 37A substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), **Sch. 39 para. 10**; S.I. 2009/403, art. 2(2) (with art. 10)
- F28** Words in s. 37A inserted (with effect in accordance with s. 77(7) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), **Sch. 8 para. 13(a)**
- F29** Words in s. 37A substituted (with effect in accordance with s. 77(7) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), **Sch. 8 para. 13(b)**
- F30** Words in s. 37A substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 1 para. 252(2)** (with Sch. 2)
- F31** Words in s. 37A inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 1 para. 252(3)** (with Sch. 2)
- F32** Words in s. 37A repealed (27.8.2002 for specified purposes, 6.4.2003 in so far as not already in force) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2002/1727, art. 2; S.I. 2003/962, art. 2(3)(e), Sch. 1
- F33** Words in s. 37A omitted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), **Sch. 1 para. 6(a)(ii)**
- F34** Words in s. 37A inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 1 para. 252(4)** (with Sch. 2)
- F35** Words in s. 37A substituted (with effect in accordance with s. 77(7) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), **Sch. 8 para. 13(c)**

^{F36}**38 Modification of s.37 in relation to partnerships.**

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Textual Amendments

- F36** Ss 37, 38, 39 repealed by [Finance Act 1989 \(c. 26\)](#), ss. 149(2), 187, **Sch. 17 Pt. VIII** (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

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^{F37}39 Neglect: corporation tax.

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Textual Amendments

F37 Ss 37, 38, 39 repealed by [Finance Act 1989 \(c. 26\)](#), ss. 149(2), 187, [Sch. 17 Pt. VIII](#) (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

40 Assessment on personal representatives.

- (1) For the purpose of the charge of tax on the executors or administrators of a deceased person in respect of the income, or chargeable gains, which arose or accrued to him before his death, the time allowed by section 34, 35 or 36 above shall in no case extend [^{F38}more than 4 years after the end of][^{F39}the year of assessment] in which the deceased died.
- (2) [^{F40}In a case involving a loss of tax brought about carelessly or deliberately by a person who has died (or another person acting on that person's behalf before that person's death)], an assessment on his personal representatives to tax for any year of assessment ending not earlier than six years before his death may be made at any time [^{F41}not more than 4 years after the end of][^{F39}the year of assessment] in which he died.
- (3) In [^{F42}this section] “tax” means income tax or capital gains tax.
- [^{F43}(4) Any act or omission such as is mentioned in section 98B below, on the part of a grouping (as defined in that section) or member of a grouping shall be deemed for the purposes of subsection (2) above to be the act or omission of each member of the grouping.]

Textual Amendments

- F38** Words in s. 40(1) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 11\(2\)](#); [S.I. 2009/403](#), art. 2(2) (with art. 10)
- F39** Words in s. 40(1)(2) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 12](#); [S.I. 1998/3173](#), art. 2
- F40** Words in s. 40(2) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 11\(3\)\(a\)](#); [S.I. 2009/403](#), art. 2(2) (with art. 10)
- F41** Words in s. 40(2) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 11\(3\)\(b\)](#); [S.I. 2009/403](#), art. 2(2) (with art. 10)
- F42** Words in s. 40(3) substituted by [Finance Act 1985 \(c. 54\)](#), s. 93(7), [Sch. 25 para. 5](#)
- F43** S. 40(4) inserted (with effect on and after 1 July 1989) by [Finance Act 1990 \(c. 29\)](#), s. 69, [Sch. 11 para. 4\(2\)](#).

Modifications etc. (not altering text)

- C19** S. 40 modified (27.7.1993) by [1993 c. 34](#), s. 173, [Sch. 19 Pt. I para. 8](#)
- C20** S. 40 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyd's Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), [11](#)
- C21** S. 40(1)(2) applied (with modifications) (19.4.1991) by [The Lloyd's Underwriters \(Tax\) \(1988–89\) Regulations 1991 \(S.I. 1991/851\)](#), regs. 1, 3(2), [Sch. 1](#)
 S. 40(1)(2) extended (with modifications) (28.3.1992) by [The Lloyd's Underwriters \(Tax\) \(1989–90\) Regulations 1992 \(S.I. 1992/511\)](#), [regs. 1, 3](#), [Sch. 1](#)

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- C22** S. 40(1)(2) applied (with modifications) (23.3.1993) by [The Lloyd’s Underwriters \(Tax\) \(1990–91\) Regulations 1993 \(S.I. 1993/415\)](#), regs. 1(1), 3(2), **Sch. 1**
- C23** S. 40(1)(2) applied (with modifications) (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1991-92\) Regulations 1994 \(S.I. 1994/728\)](#), reg. 3(2), **Sch. 1**
- C24** S. 40(1)(2) modified (with effect in accordance with reg. 6(3) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1992–93 to 1996–97\) Regulations 1995 \(S.I. 1995/352\)](#), regs. 1(1), **6(1)(2)**
- C25** S. 40(1)(2) modified (with effect in accordance with reg. 7(3) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1992–93 to 1996–97\) Regulations 1995 \(S.I. 1995/352\)](#), regs. 1(1), **7(1)(2)**

F44 41 Leave of General or Special Commissioners required for certain assessments.

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Textual Amendments

- F44** S. 41 repealed by [Finance Act 1989 \(c. 26\)](#), ss. 149(2), 187, **Sch. 17 Pt. VIII** (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

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