



Taxes Management Act 1970

1970 CHAPTER 9

[^{F1}PART VA

PAYMENT OF TAX]

[^{F1}Corporation tax

[^{F1}59DA Claim for repayment in advance of liability being established.

(1) This section applies where a company has paid an amount of corporation tax for an accounting period and the circumstances of the company change, so that the company has grounds for believing that the amount paid exceeds its probable tax liability although that liability has not been finally established.

(2) The company may, by notice given to an officer of the Board, claim repayment of the excess.

No such claim may be made before the date which under section 826 of the principal Act (interest on overpaid tax), subject to regulations under section 826A of that Act, is the material date in relation to that tax.

(3) The notice must state—

- (a) the amount which the company considers should be repaid, and
- (b) its grounds for believing that the amount paid exceeds its probable tax liability.

(4) If the company has appealed against an amendment of an assessment, or an assessment, relating to the tax liability in question, and the appeal has not been finally determined, it may apply to the Commissioners to whom the appeal stands referred for a determination of the amount which should be repaid to the company pending determination of the liability.

(5) Any claim under subsection (2) or application under subsection (4) shall be heard and determined in the same way as an appeal.

Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Taxes Management Act 1970. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (6) If the company makes an application under section 55(3) or (4) (application to postpone payment pending determination of appeal), that application may be combined with an application under subsection (4) above.
- (7) If a company makes a claim or application under this section before it has delivered a company tax return for the period in question, any deductions under [^{F2}section 61 of the Finance Act 2004] (deductions from payments to certain subcontractors) shall be disregarded in considering whether the amount paid by the company exceeds its probable tax liability.
- (8) This section has effect subject to section 59E.]

Textual Amendments

- F1** Ss. 59D, 59DA and cross-heading substituted for s. 59D (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 29\(2\)](#); S.I. 1998/3173, art. 2
- F2** Words in s. 59DA(7) substituted (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 12 para. 3\(2\)](#)

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