

SCHEDULES

SCHEDULE 22

PREVENTION OF EXPLOITATION OF SCHEDULE 20 TO FINANCE ACT 1994

PART III

PROCEDURAL AND OTHER PROVISIONS

Advance notice for purposes of paragraphs 3, 5 and 7

- 12 (1) An officer of the Board shall not so amend an assessment made under section 9 of the Management Act (returns to include self-assessment) as to give effect to paragraph 3, 5 or 7 above unless a notice stating—
- (a) in the case of paragraph 3 or 7 above, the aggregate of the amounts falling within sub-paragraph (1)(b) of that paragraph; and
 - (b) in the case of paragraph 5 above, the aggregate amount of interest paid as mentioned in sub-paragraph (3) of that paragraph,
- is given by such an officer at a time when the condition mentioned in sub-paragraph (2) below is fulfilled.
- (2) The condition referred to in sub-paragraph (1) above is that either—
- (a) an assessment under section 9 of the Management Act has been made for the year 1998-99 and that assessment is still capable of being amended; or
 - (b) no such assessment has been so made.
- (3) Subject to sub-paragraph (4) below, a notice under sub-paragraph (1) above shall be conclusive of the matters stated in it.
- (4) An appeal may be brought against a notice under sub-paragraph (1) above at any time within the period of 30 days beginning with the date on which the notice is given.
- (5) Subject to sub-paragraph (6) below, the provisions of the Management Act relating to appeals shall have effect in relation to an appeal under sub-paragraph (4) above as they have effect in relation to an appeal against an assessment to tax.
- (6) On an appeal under sub-paragraph (4) above, section 50(6) to (8) of the Management Act (procedure on appeals) shall not apply but the Commissioners may—
- (a) if it appears to them that the matters stated in the notice under sub-paragraph (1) above are correct, confirm the notice; or
 - (b) if it does not so appear to them, set aside or modify the notice accordingly.