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## SCHEDULES

### SCHEDULE 18

#### OVERDUE TAX AND EXCESSIVE PAYMENTS BY THE BOARD

##### *Commencement*

- 17 (1) Paragraphs 1 to 3, 6(2)(a) and (b), 8, <sup>F1</sup>... 11(3)(a) and (b), [<sup>F2</sup>12(2)(a) and (b)], 14(2) (a) and (b) and 16(a) above have effect, subject to sub-paragraph (2) below—
- (a) for the purposes of income tax and capital gains tax, as respects the year 1996-97 and subsequent years of assessment; and
  - (b) for the purposes of corporation tax, as respects accounting periods ending on or after the day appointed under section 199 of the <sup>M1</sup>Finance Act 1994 for the purposes of Chapter III of Part IV of that Act (self-assessment management provisions).
- (2) Paragraphs 1, 3, 6(2)(a) and (b), <sup>F1</sup>... 11(3)(a) and (b), [<sup>F2</sup>12(2)(a) and (b)] and 14(2) (a) and (b) above, so far as relating to partnerships whose trades, professions or businesses were set up and commenced before 6th April 1994, has effect as respects the year 1997-98 and subsequent years of assessment.
- (3) Paragraphs 4, 5, 6(2)(c) and (3), 11(3)(c) and (4), [<sup>F2</sup>12(2)(c) and (3)], 13, 14(2)(c) and (3), 15 and 16(b) and (c) above have effect, subject to sub-paragraph (4) below—
- (a) as respects the year 1996-97 and subsequent years of assessment; and
  - (b) in relation to any income tax or capital gains tax which—
    - (i) is charged by an assessment made on or after 6th April 1998; and
    - (ii) is for the year 1995-96 or any earlier year of assessment;and where sub-paragraph (4) of paragraph 11, sub-paragraph (3) of paragraph 12, or sub-paragraph (3) of paragraph 14 has effect by virtue of paragraph (b) of this sub-paragraph it shall have effect with the substitution, in the provision inserted by that sub-paragraph, for “section 29(1)(c)” of “section 29(3)(c)”.
- (4) Paragraphs 4, 6(2)(c) and (3), 11(3)(c) and (4), [<sup>F2</sup>12(2)(c) and (3)], 13 and 14(2) (c) and (3) above, so far as relating to partnerships whose trades, professions or businesses were set up and commenced before 6th April 1994 have effect—
- (a) as respects the year 1997-98 and subsequent years of assessment; and
  - (b) in relation to any income tax which—
    - (i) is charged by an assessment made on or after 6th April 1998; and
    - (ii) is for the year 1995-96 or any earlier year of assessment.
- (5) Paragraphs 7 and 11(2) above have effect—
- (a) as respects the year 1996-97 and subsequent years of assessment; and
  - (b) subject to sub-paragraphs (6) and (7) below, in relation to any income tax or capital gains tax which—

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- (i) is charged by an assessment made on or after 6th April 1998; and  
 (ii) is for the year 1995-96 or any earlier year of assessment.
- (6) Sub-paragraph (5)(b) above does not apply to paragraph 7 above so far as paragraph 7 provides for the omission of—
- (a) paragraph (a) of subsection (4) of section 374A of the Taxes Act 1988, and
  - (b) the words “and as if” so far as they relate to paragraph (a) of that subsection.
- (7) Sub-paragraph (5)(b) above does not apply to paragraph 11(2) above so far as paragraph 11(2) provides for the omission of—
- (a) the words “sections 55(1) (recovery of tax not postponed) and”, and
  - (b) the words “and as if—
    - (a) the assessment were among those specified in”
 so far as those words relate to the words mentioned in paragraph (a) of this sub-paragraph.
- (8) Paragraphs 6(2)(d), 11(3)(d), [F<sup>2</sup>12(2)(d)] and 14(2)(d) above shall not apply in relation to any payment if the payment, or the claim on which it is made, was made before the day on which this Act is passed.
- (9) Paragraph 9 above has effect as respects accounting periods ending on or after the day appointed under section 199 of the <sup>M<sup>2</sup></sup>Finance Act 1994 for the purposes of Chapter III of Part IV of that Act (self-assessment management provisions).
- (10) Any power to make regulations exercisable by virtue of an amendment made by any of the preceding provisions of this Schedule may be exercised so as to make provision having effect in relation to any year of assessment in relation to which that provision has effect in accordance with sub-paragraphs (1) to (9) above.

#### Textual Amendments

- F1** Word in Sch. 18 para. 17(1)(2) repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 3](#) (with Sch. 2)
- F2** Words in Sch. 18 para. 17(1)-(4)(8) repealed (31.7.1997 with effect as mentioned in Sch. 8 Pt. II(2), Note of the amending Act) by [1997 c. 58](#), s. 52, [Sch. 8 Pt. II\(2\)](#)

#### Marginal Citations

- M1** [1994 c. 9](#).
- M2** [1994 c. 9](#).

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