

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, Cross
Heading: Situation not disclosed by return or related documents etc.. (See end of Document for details)

SCHEDULES

SCHEDULE 18

COMPANY TAX RETURNS, ASSESSMENTS AND RELATED MATTERS

Modifications etc. (not altering text)

- C1 Sch. 18 restricted (31.7.1998) by 1988 c. 1, s. 754B(10) (as inserted (31.7.1998 with effect as mentioned in Sch. 17 para. 37 of 1998 c. 36) by 1998 c. 36, s. 113, Sch. 17 para. 11)
- C1 Sch. 18 modified (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 68(c); S.I. 2005/1126, art. 2(2)(h)
- C1 Sch. 18 applied (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), s. 61
- C1 Sch. 18 applied (with modifications) (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, 13
- C1 Sch. 18 excluded (17.7.2013) by Finance Act 2013 (c. 29), s. 210(6)(b)
- C1 Sch. 18: power to amend conferred (12.2.2019) by Finance Act 2019 (c. 1), s. 87(5)(a)(6)
- C1 Sch. 18 applied (with modifications) (22.7.2020) by Finance Act 2020 (c. 14), Sch. 16 para. 11(4) (with Sch. 16 para. 11(5))
- C1 Sch. 18 applied (with modifications) (11.7.2023) by Finance (No. 2) Act 2023 (c. 30), s. 303(7)(8) (with s. 303(6))

PART V

REVENUE DETERMINATIONS AND ASSESSMENTS

Situation not disclosed by return or related documents etc.

- 44 (1) A discovery assessment for an accounting period for which the company has delivered a company tax return, or a discovery determination, may be made if at the time when [^{F1}an officer of Revenue and Customs]—
- (a) ceased to be entitled to give a notice of enquiry into the return, or
 - [^{F2}(b) in a case where a notice of enquiry into the return was given—
 - (i) issued a partial closure notice as regards a matter to which the situation mentioned in paragraph 41(1) or (2) relates, or
 - (ii) if no such partial closure notice was issued, issued a final closure notice,]
- [^{F3}he] could not have been reasonably expected, on the basis of the information made available to [^{F3}him] before that time, to be aware of the situation mentioned in paragraph 41(1) or (2).
- (2) For this purpose information is regarded as made available to [^{F1}an officer of Revenue and Customs] if—
- (a) it is contained in a relevant return by the company or in documents accompanying any such return, or

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- (b) it is contained in a relevant claim made by the company or in any accounts, statements or documents accompanying any such claim, or
- (c) it is contained in any documents, accounts or information produced or provided by the company to [^{F1}an officer of Revenue and Customs] for the purposes of an enquiry into any such return or claim, or
- (d) it is information the existence of which, and the relevance of which as regards the situation mentioned in paragraph 41(1) or (2)—
 - (i) could reasonably be expected to be inferred by [^{F1}an officer of Revenue and Customs] from information falling within paragraphs (a) to (c) above, or
 - (ii) are notified in writing to [^{F1}an officer of Revenue and Customs] by the company or a person acting on its behalf.

(3) In sub-paragraph (2)—

“relevant return” means the company’s company tax return for the period in question or either of the two immediately preceding accounting periods, and

“relevant claim” means a claim made by or on behalf of the company as regards the period in question [^{F4}or an application under section 751A of the Taxes Act 1988 made by or on behalf of the company which affects the company's tax return for the period in question].

Textual Amendments

- F1** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F2** Sch. 18 para. 44(1)(b) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 15 para. 32**
- F3** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
- F4** Words in Sch. 18 para. 44(3) inserted (with effect in accordance with Sch. 15 para. 10 of the amending Act) by [Finance Act 2007 \(c. 11\)](#), **Sch. 15 para. 9**

Modifications etc. (not altering text)

- C1** Sch. 18 para. 41(2)-44 applied (with modifications) (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), 7
- C2** Sch. 18 para. 44(2)(3) applied by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), s. 184I(6) (as inserted by [Finance Act 2006 \(c. 25\)](#), s. 71(1)(4))
- C3** Sch. 18 para. 44(2)(3) applied (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), ss. 256(5), 381(1) (with Sch. 9 paras. 1-9, 22)

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