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SCHEDULES

SCHEDULE 39

Section 118

TIME LIMITS FOR ASSESSMENTS, CLAIMS ETC.

TMA 1970

- 1 TMA 1970 is amended as follows.
- 2 In section 28C(5)(a) (time limit for determination of tax where no return delivered and self-assessment superseding determination), for “five years” substitute “ 3 years ”.

Commencement Information

- I1** [Sch. 39 para. 2](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 3 In section 29(4) (assessment where loss of tax discovered), for “is attributable to fraudulent or negligent conduct on the part of” substitute “ was brought about carelessly or deliberately by ”.

Commencement Information

- I2** [Sch. 39 para. 3](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 4 In section 30B(5) (amendment of partnership statement where loss of tax discovered), for “is attributable to fraudulent or negligent conduct on the part of” substitute “ was brought about carelessly or deliberately by ”.

Commencement Information

- I3** [Sch. 39 para. 4](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 5 In section 33(1) (claim for error or mistake), for “not later than five years after the 31st January next following” substitute “ not more than 4 years after the end of ”.

Commencement Information

- I4** [Sch. 39 para. 5](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

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- 6 In section 33A(2) (error or mistake in partnership return), for “not later than 31st January of Year 6” substitute “ not more than 4 years after the end of the year of assessment in question, or in which the relevant period ends, ”.

Commencement Information

- I5** Sch. 39 para. 6 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 7 (1) Section 34 (ordinary time limit for assessments) is amended as follows.
- (2) In subsection (1), for “not later than five years after the 31st January next following” substitute “ not more than 4 years after the end of ”.
- (3) Accordingly, in the heading, for “**six years**” substitute “ **4 years** ”.

Commencement Information

- I6** Sch. 39 para. 7 in force at 1.4.2010 for the purposes of the amendments made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 8 In section 35 (time limit: income received after year for which it is assessable), for “within six years after” substitute “ not more than 4 years after the end of ”.

Commencement Information

- I7** Sch. 39 para. 8 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 9 (1) Section 36 (fraudulent or negligent conduct) is amended as follows.
- (2) For subsection (1) substitute—
- “(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).
- (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, or
 - (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),
- 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).

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(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.”

(3) In subsection (2)—

- (a) for “Where the person in default” substitute “ Where the person mentioned in subsection (1) or (1A) (“the person in default”) ”, and
- (b) for “subsection (1) above” substitute “ subsection (1A) or (1B) ”.

(4) In subsection (3), after “(1)” insert “ or (1A) ”.

(5) In subsection (4), for “subsection (1)” substitute “ subsections (1) and (1A) ”.

(6) Accordingly, for the heading substitute “ **Loss of tax brought about carelessly or deliberately etc** ”.

Commencement Information

I8 [Sch. 39 para. 9](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [arts. 7, 10](#))

10 In section 37A (effect of assessment where allowances transferred), for the words from “for the purpose” to “conduct” substitute “ in a case falling within section 36(1) or (1A) ”.

Commencement Information

I9 [Sch. 39 para. 10](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

11 (1) Section 40 (assessment on personal representatives) is amended as follows.

(2) In subsection (1), for “beyond the end of the period of three years beginning with the 31st January next following” substitute “ more than 4 years after the end of ”.

(3) In subsection (2)—

- (a) for the words from the beginning to “died” substitute “ 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) ”, and
- (b) for “before the end of the period of three years beginning with the 31st January next following” substitute “ not more than 4 years after the end of ”.

Commencement Information

I10 [Sch. 39 para. 11](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

12 In section 43(1) (time limit for making claims), for “five years after the 31st January next following” substitute “ 4 years after the end of ”.

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Commencement Information

- I11** Sch. 39 para. 12 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 13 In section 43A(1)(b) (further assessments: claims etc), for the words from “attributable” to the end substitute “brought about carelessly or deliberately by that person or by someone acting on behalf of that person.”

Commencement Information

- I12** Sch. 39 para. 13 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 14 In section 43C(1)(b) (consequential claims etc), for “attributable to fraudulent or negligent conduct on the part of” substitute “brought about carelessly or deliberately by”.

Commencement Information

- I13** Sch. 39 para. 14 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 15 In section 118 (interpretation) insert at the end—
- “(5) For the purposes of this Act a loss of tax or a situation is brought about carelessly by a person if the person fails to take reasonable care to avoid bringing about that loss or situation.
- (6) Where—
- (a) information is provided to Her Majesty's Revenue and Customs,
 - (b) the person who provided the information, or the person on whose behalf the information was provided, discovers some time later that the information was inaccurate, and
 - (c) that person fails to take reasonable steps to inform Her Majesty's Revenue and Customs,
- any loss of tax or situation brought about by the inaccuracy shall be treated for the purposes of this Act as having been brought about carelessly by that person.
- (7) In this Act references to a loss of tax or a situation brought about deliberately by a person include a loss of tax or a situation that arises as a result of a deliberate inaccuracy in a document given to Her Majesty's Revenue and Customs by or on behalf of that person.”

Commencement Information

- I14** Sch. 39 para. 15 in force at 1.4.2010 for the purposes of the amendments made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

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ICTA

16 ICTA is amended as follows.

^{F1}17

Textual Amendments

F1 Sch. 39 para. 17 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with [Sch. 2 Pts. 1, 2](#))

Commencement Information

I15 [Sch. 39 para. 17](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), **art. 2(2)** (with [art. 10](#))

^{F2}18

Textual Amendments

F2 [Sch. 39 paras. 18-20](#) 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(p)(iii)**

^{F2}19

Textual Amendments

F2 [Sch. 39 paras. 18-20](#) 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(p)(iii)**

^{F2}20

Textual Amendments

F2 [Sch. 39 paras. 18-20](#) 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(p)(iii)**

^{F3}21

Textual Amendments

F3 [Sch. 39 para. 21](#) omitted (with effect in accordance with Sch. 39 para. 31(3) of the amending Act) by virtue of [Finance Act 2012 \(c. 14\)](#), **Sch. 39 para. 31(2)(d)**

^{F4}22

Textual Amendments

F4 [Sch. 39 paras. 22, 23](#) repealed (1.4.2010) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with [Sch. 2](#))

^{F4}23

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Textual Amendments

- F4** [Sch. 39 paras. 22, 23](#) repealed (1.4.2010) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with [Sch. 2](#))

^{F5}24

Textual Amendments

- F5** [Sch. 39 para. 24](#) repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with [Sch. 9 paras. 1-9, 22](#))

^{F6}25

Textual Amendments

- F6** [Sch. 39 para. 25](#) omitted (with effect in accordance with [Sch. 14 para. 31](#) of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), **Sch. 14 para. 30(d)**

^{F7}26

Textual Amendments

- F7** [Sch. 39 para. 26](#) repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with [Sch. 9 paras. 1-9, 22](#))

FA 1991

^{F8}27

Textual Amendments

- F8** [Sch. 39 para. 27](#) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 2** (with [Sch. 2](#)) and (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 6** (with [Sch. 9 paras. 1-9, 22](#))

TCGA 1992

28 TCGA 1992 is amended as follows.

29 In section 203(2) (claims in respect of certain capital losses), for “6 years” substitute “4 years”.

Commencement Information

- I16** [Sch. 39 para. 29](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), **art. 2(2)** (with [art. 10](#))

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- 30 In section 253(4A) (claims for relief for loans to traders)—
- (a) in paragraph (a), for “on or before the fifth anniversary of the 31st January next following” substitute “ not more than 4 years after the end of ”, and
 - (b) in paragraph (b), for “6 years” substitute “ 4 years ”.

Commencement Information

I17 [Sch. 39 para. 30](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 31 In section 279(5) (claims in respect of delayed remittance of gain from disposal of foreign assets)—
- (a) in paragraph (a), for “at any time after the fifth anniversary of the 31st January next following” substitute “ more than 4 years after the end of ”, and
 - (b) in paragraph (b), for “6 years” substitute “ 4 years ”.

Commencement Information

I18 [Sch. 39 para. 31](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

VATA 1994

- 32 VATA 1994 is amended as follows.
- 33 In section 33A(4) (refunds of VAT to museums and galleries), for “3 years” substitute “ 4 years ”.

Commencement Information

I19 [Sch. 39 para. 33](#) in force at 1.4.2009 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(1\)](#) (with [art. 3](#))

- 34 (1) Section 77 (assessments: time limits and supplementary assessments) is amended as follows.
- (2) In subsection (1)(a) and (b), for “3 years” substitute “ 4 years ”.
- (3) For subsection (4) substitute—
- “(4) In any case falling within subsection (4A), an assessment of a person (“P”), or of an amount payable by P, may be made at any time not more than 20 years after the end of the prescribed accounting period or the importation, acquisition or event giving rise to the penalty, as appropriate (subject to subsection (5)).
- (4A) Those cases are—
- (a) a case involving a loss of VAT brought about deliberately by P (or by another person acting on P's behalf),

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- (b) a case in which P has participated in a transaction knowing that it was part of arrangements of any kind (whether or not legally enforceable) intended to bring about a loss of VAT,
- (c) a case involving a loss of VAT attributable to a failure by P to comply with a notification obligation, and
- (d) a case involving a loss of VAT attributable to a scheme in respect of which P has failed to comply with an obligation under paragraph 6 of Schedule 11A.

(4B) In subsection (4A) the references to a loss of tax brought about deliberately by P or another person include a loss that arises as a result of a deliberate inaccuracy in a document given to Her Majesty's Revenue and Customs by that person.

(4C) In subsection (4A)(c) “notification obligation” means an obligation under—

- (a) paragraph 5, 6, 7 or 14(2) or (3) of Schedule 1,
- (b) paragraph 3 of Schedule 2,
- (c) paragraph 3 or 8(2) of Schedule 3,
- (d) paragraph 3, 4 or 7(2) or (3) of Schedule 3A, or
- (e) regulations under paragraph 2(4) of Schedule 11.”

(4) In subsection (5)—

- (a) in paragraph (a), for “3 years” substitute “ 4 years ”, and
- (b) omit paragraph (b) and the “and” before it.

Commencement Information

I20 Sch. 39 para. 34 in force at 1.4.2009 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(1\)](#) (with [arts. 4, 9](#))

35 In section 78(11) (interest in certain cases of official error), for “three years” substitute “ 4 years ”.

Commencement Information

I21 Sch. 39 para. 35 in force at 1.4.2009 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(1\)](#) (with [art. 5](#))

36 In section 80(4) (credit for, or repayment of, overstated or overpaid VAT), for “3 years” substitute “ 4 years ”.

Commencement Information

I22 Sch. 39 para. 36 in force at 1.4.2009 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(1\)](#) (with [art. 6](#))

FA 1998

37 Schedule 18 to FA 1998 (company tax returns) is amended as follows.

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- 38 In paragraph 36(5) (determination of tax payable if no return delivered), for “five years” substitute “ 3 years ”.

Commencement Information

I23 [Sch. 39 para. 38](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 39 In paragraph 37(4) (determination of tax payable if notice complied with in part), for “five years” substitute “ 3 years ”.

Commencement Information

I24 [Sch. 39 para. 39](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 40 In paragraph 40(3) (time limit for self-assessment superseding determination), for “five years” substitute “ 3 years ”.

Commencement Information

I25 [Sch. 39 para. 40](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 41 (1) Paragraph 43 (fraudulent or negligent conduct) is amended as follows.
- (2) For “is attributable to fraudulent or negligent conduct on the part of” substitute “ was brought about carelessly or deliberately by ”.
- (3) Accordingly, for the heading before the paragraph substitute “ *Loss of tax brought about carelessly or deliberately* ”.

Commencement Information

I26 [Sch. 39 para. 41](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 42 (1) Paragraph 46 (general time limits for assessments) is amended as follows.
- (2) In sub-paragraph (1), for “six years” substitute “ 4 years ”.
- (3) For sub-paragraph (2) substitute—
- “ (2) An assessment in a case involving a loss of tax brought about carelessly by the company (or a related person) may be made at any time not more than 6 years after the end of the accounting period to which it relates (subject to sub-paragraph (2A) and to any other provision of the Taxes Acts allowing a longer period).
- (2A) An assessment in a case involving a loss of tax—
- (a) brought about deliberately by the company (or a related person),
- (b) attributable to a failure by the company to comply with an obligation under paragraph 2, or

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(c) attributable to arrangements in respect of which the company 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), may be made at any time not more than 20 years after the end of the accounting period to which it relates (subject to any provision of the Taxes Acts allowing a longer period).

(2B) In this paragraph “related person”, in relation to a company, means—

- (a) a person acting on behalf of the company, or
- (b) a person who was a partner of the company at the relevant time.”

Commencement Information

I27 [Sch. 39 para. 42](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

43 In paragraph 51(1)(c) (relief in case of mistake in return), for “six years” substitute “ 4 years ”.

Commencement Information

I28 [Sch. 39 para. 43](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

44 (1) Paragraph 53 (time limit for recovery of excessive payments etc) is amended as follows.

(2) In sub-paragraph (1), for “six year” substitute “ 4 year ”.

(3) In sub-paragraph (2), for “paragraph 46(2) (time limit for assessment in case of fraud or negligence)” substitute “ paragraph 46(2) and (2A) (time limit for assessment in case of loss of tax brought about carelessly or deliberately) ”.

Commencement Information

I29 [Sch. 39 para. 44](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

45 In paragraph 55 (general time limit for making claims), for “six years” substitute “ 4 years ”.

Commencement Information

I30 [Sch. 39 para. 45](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

46 In paragraph 61(2) (consequential claims etc arising out of certain Revenue amendments or assessments), for “fraudulent or negligent conduct on the part of” substitute “ a loss of tax brought about carelessly or deliberately by ”.

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Commencement Information

I31 [Sch. 39 para. 46](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [arts. 8, 10](#))

- 47 (1) Paragraph 65 (consequential claims) is amended as follows.
- (2) In sub-paragraph (1), for “fraudulent or negligent conduct on the part of” substitute “a loss of tax brought about carelessly or deliberately by”.
- (3) Accordingly, in the heading before the paragraph, for “*fraud or negligence*” substitute “*loss of tax brought about carelessly or deliberately*”.

Commencement Information

I32 [Sch. 39 para. 47](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

FA 2002

^{F9}48

Textual Amendments

F9 [Sch. 39 para. 48](#) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

ITEPA 2003

- 49 In section 711(2) (notice requiring officer of Revenue and Customs to give notice requiring tax return), for “5 years” substitute “3 years”.

Commencement Information

I33 [Sch. 39 para. 49](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

ITTOIA 2005

- 50 ITTOIA 2005 is amended as follows.
- 51 In section 301(3) (claims for repayment of tax payable in connection with sale with right to reconveyance), for “6 years” substitute “4 years”.

Commencement Information

I34 [Sch. 39 para. 51](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

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- 52 In section 302(3) (claims for repayment of tax payable in connection with sale and leaseback transactions), for “6 years” substitute “ 4 years ”.

Commencement Information

- I35** Sch. 39 para. 52 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 53 In section 840A(1) (claims for relief for backdated pensions charged on arising basis) (inserted by Schedule 7 to this Act), for “on or before the fifth anniversary of the normal self-assessment filing date for” substitute “ not more than 4 years after the end of ”.

Commencement Information

- I36** Sch. 39 para. 53 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

ITA 2007

- 54 ITA 2007 is amended as follows.
- 55 In section 40(1)(a) (election for transfer of blind person's allowance), for “on or before the fifth anniversary of the normal self-assessment filing date for” substitute “ not more than 4 years after the end of ”.

Commencement Information

- I37** Sch. 39 para. 55 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 56 In section 46(6)(b) (marriages and civil partnerships on or after 5 December 2005: election specifying person entitled to relief), for “on or before the fifth anniversary of the normal self-assessment filing date for” substitute “ not more than 4 years after the end of ”.

Commencement Information

- I38** Sch. 39 para. 56 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

- 57 In section 53(4)(a) (notice in respect of transfer of unused relief), for “on or before the fifth anniversary of the normal self-assessment filing date for” substitute “ not more than 4 years after the end of ”.

Commencement Information

- I39** Sch. 39 para. 57 in force at 1.4.2010 for the purposes of the amendment made by that paragraph by S.I. 2009/403, art. 2(2) (with art. 10)

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- 58 In section 155 (claim for loss relief against miscellaneous income), in each of subsections (1) and (2), for “on or before the fifth anniversary of the normal self-assessment filing date for” substitute “ not more than 4 years after the end of ”.

Commencement Information

I40 [Sch. 39 para. 58](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 59 (1) Section 237 (EIS relief: time limits for assessments) is amended as follows.
- (2) In subsection (1)—
- (a) omit “not”, and
 - (b) for “more than” substitute “ at any time not more than ”.
- (3) In subsection (3)—
- (a) for “36” substitute “ 36(1A) ”, and
 - (b) for “(fraudulent or negligent conduct)” substitute “ (loss of tax brought about deliberately etc) ”.

Commencement Information

I41 [Sch. 39 para. 59](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 60 In section 372 (withdrawal or reduction of community investment tax relief), insert at the end—
- “(4) An assessment under this paragraph may be made at any time not more than 6 years after the end of the tax year for which the relief was obtained.
- (5) Subsection (4) is without prejudice to section 36(1A) of TMA 1970 (loss of tax brought about deliberately etc).”

Commencement Information

I42 [Sch. 39 para. 60](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 61 In section 668(7) (claim for relief for unremittable transfer proceeds), for “on or before the fifth anniversary of the normal self-assessment filing date for” substitute “ not more than 4 years after the end of ”.

Commencement Information

I43 [Sch. 39 para. 61](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 62 In section 669(4) (claim for relief for unremittable transfer proceeds: section 630 profits), for “on or before the fifth anniversary of the normal self-assessment filing date for” substitute “ not more than 4 years after the end of ”.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance Act 2008. 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) [View outstanding changes](#)

Commencement Information

I44 [Sch. 39 para. 62](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

Consequential amendments

- 63 In section 178(3) of FA 1993 (stop-loss and quota share insurance)—
- (a) in paragraph (a), for “six years” substitute “ 4 years ”, and
 - (b) in paragraph (b), for “fraudulent or negligent conduct” substitute “ loss of tax brought about carelessly or deliberately ”.

Commencement Information

I45 [Sch. 39 para. 63](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 64 In section 225(3)(b) of FA 1994 (stop-loss and quota share insurance), for “fraudulent or negligent conduct” substitute “ loss of tax brought about carelessly or deliberately ”.

Commencement Information

I46 [Sch. 39 para. 64](#) in force at 1.4.2010 for the purposes of the amendment made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

- 65 In consequence of the preceding provisions of this Schedule, omit—
- (a) section 149(4)(a)(i) and (ii) of FA 1989,
 - (b) paragraphs 4 and 6 of Schedule 21 to FA 1996,
 - (c) section 47(10) of FA 1997,
 - (d) paragraph 18 of Schedule 19 to FA 1998, and
 - (e) section 91(6)(b) of FA 2007.

Commencement Information

I47 [Sch. 39 para. 65](#) in force at 1.4.2010 for the purposes of the amendments made by that paragraph by [S.I. 2009/403](#), [art. 2\(2\)](#) (with [art. 10](#))

Saving

F10 66

Textual Amendments

F10 [Sch. 39 para. 66](#) omitted (1.4.2010) by virtue of [Finance Act 2009 \(c. 10\)](#), s. 99(2), [Sch. 51 para. 42](#); [S.I. 2010/867](#), [art. 2\(1\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 36 para. 63(1)(iza) inserted by [2021 c. 26 Sch. 15 para. 11\(3\)](#)
- Sch. 36 para. 21(8A)–(8C) inserted by [2023 c. 30 Sch. 5 para. 6\(2\)\(b\)](#)
- Sch. 36 para. 37C and cross-heading inserted by [2023 c. 30 Sch. 5 para. 6\(3\)](#)
- Sch. 36 para. 63(1)(cd) inserted by [2023 c. 30 Sch. 14 para. 68\(3\)](#)
- Sch. 36 para. 63(1)(ce) inserted by [2023 c. 30 Sch. 18 para. 7\(3\)](#)
- Sch. 41 para. 6(1A) inserted by [2015 c. 11 Sch. 20 para. 10\(2\)](#)
- Sch. 41 para. 6A(A1)(1) substituted for Sch. 41 para. 6A(1) by [2015 c. 11 Sch. 20 para. 11\(2\)](#)