
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance Act 2009. 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](#)

SCHEDULES

SCHEDULE 51

TIME LIMITS FOR ASSESSMENTS, CLAIMS ETC

Inheritance tax

- 5 IHTA 1984 is amended as follows.
- 6 In section 131 (transfers within 7 years before death: the relief), after subsection (2) insert—
- “(2ZA) A claim under subsection (2)(b) must be made not more than 4 years after the transferor's death.”

Commencement Information

- I1** [Sch. 51 para. 6](#) in force at 1.4.2011 for the purposes of the amendment made by that paragraph by [S.I. 2010/867](#), [art. 2\(2\)](#)

- 7 In section 146(2)(a) (Inheritance (Provision for Family and Dependants) Act 1975), after “claim for the purpose” insert “ not more than 4 years after the date on which the order is made ”.

Commencement Information

- I2** [Sch. 51 para. 7](#) in force at 1.4.2011 for the purposes of the amendment made by that paragraph by [S.I. 2010/867](#), [art. 2\(2\)](#)

- 8 In section 150 (voidable transfers), insert at the end—
- “(3) A claim under this section must be made not more than 4 years after the claimant knew, or ought reasonably to have known, that the relevant transfer has been set aside.”

Commencement Information

- I3** [Sch. 51 para. 8](#) in force at 1.4.2011 for the purposes of the amendment made by that paragraph by [S.I. 2010/867](#), [art. 2\(2\)](#)

- 9 In section 179 (sale of shares etc from deceased's estate: the relief), after subsection (2) insert—
- “(2A) A claim under this Chapter must be made not more than 4 years after the end of the period mentioned in subsection (1)(a).”

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Commencement Information

I4 Sch. 51 para. 9 in force at 1.4.2011 for the purposes of the amendment made by that paragraph by S.I. 2010/867, art. 2(2)

10 In section 191 (sale of land from deceased's estate: the relief), after subsection (1) insert—

“(1A) A claim under this Chapter must be made not more than 4 years after the end of the period mentioned in subsection (1)(a).”

Commencement Information

I5 Sch. 51 para. 10 in force at 1.4.2011 for the purposes of the amendment made by that paragraph by S.I. 2010/867, art. 2(2)

11 (1) Section 240 (underpayments) is amended as follows.

(2) In subsection (2), for “six years” substitute “ 4 years ”.

(3) For subsection (3) substitute—

“(3) Subsection (2) has effect subject to subsections (4) and (5).

(4) Proceedings in a case involving a loss of tax brought about carelessly by a person liable for the tax (or a person acting on behalf of such a person) may be brought at any time not more than 6 years after the later of the dates in subsection (2)(a) and (b).

(5) Proceedings in a case involving a loss of tax brought about deliberately by a person liable for the tax (or a person acting on behalf of such a person) may be brought at any time not more than 20 years after the later of those dates.

(6) Subsection (7) applies to any case not falling within subsection (2) where too little tax has been paid in respect of a chargeable transfer, provided that the case does not involve a loss of tax brought about deliberately by a person liable for the tax (or a person acting on behalf of such a person).

(7) Where this subsection applies—

- (a) no proceedings are to be brought for the recovery of the tax after the end of the period of 20 years beginning with the date on which the chargeable transfer was made, and
- (b) at the end of that period any liability for the tax and any Inland Revenue charge for that tax is extinguished.

(8) In relation to cases of tax chargeable under Chapter 3 of Part 3 of this Act (apart from section 79), the references in subsections (4), (5) and (6) to a person liable for the tax are to be treated as including references to a person who is the settlor in relation to the settlement.”

Commencement Information

I6 Sch. 51 para. 11 in force at 1.4.2011 for the purposes of the amendments made by that paragraph by S.I. 2010/867, art. 2(2) (with art. 6)

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12 After that section insert—

“240A Underpayments: supplementary

- (1) This section applies for the purposes of section 240.
- (2) A loss of tax is brought about carelessly by a person if the person fails to take reasonable care to avoid bringing about that loss.
- (3) 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 brought about by the inaccuracy is to be treated as having been brought about carelessly by that person.
- (4) References to a loss of tax brought about deliberately by a person include a loss of tax brought about 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

I7 [Sch. 51 para. 12](#) in force at 1.4.2011 for the purposes of the amendment made by that paragraph by [S.I. 2010/867, art. 2\(2\)](#)

13 In section 241(1) (overpayments), for “six years” substitute “ 4 years ”.

Commencement Information

I8 [Sch. 51 para. 13](#) in force at 1.4.2011 for the purposes of the amendment made by that paragraph by [S.I. 2010/867, art. 2\(2\)](#)

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

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

- s. 102(4)(za) inserted by [2010 c. 33 Sch. 9 para. 3\(3\)](#)
- Sch. 53 para. 2A-2D and cross-heading inserted by [2010 c. 33 Sch. 9 para. 7](#)
- Sch. 53 para. 6A and cross-heading inserted by [2010 c. 33 Sch. 9 para. 8](#)
- Sch. 53 para. 11A11B and cross-heading inserted by [2010 c. 33 Sch. 9 para. 17](#)
- Sch. 53 para. 14A and cross-heading inserted by [2010 c. 33 Sch. 9 para. 18](#)
- Sch. 54 para. 9B9C and cross-heading inserted by [2010 c. 33 Sch. 9 para. 11](#) (Sch. 54 para. 9B is amended before it comes into force by [2016 c. 24, Sch. 1 para. 66\(5\)](#))
- Sch. 54 para. 12A12B and cross-heading inserted by [2010 c. 33 Sch. 9 para. 19](#)
- Sch. 54 Pt. A1 inserted by [2010 c. 33 Sch. 9 para. 10](#) (Sch. 9 para. 10 is amended before it comes into force by [2017 c. 32, Sch. 4 para. 182](#))
- Sch. 55 para. 6(3A)(za) inserted by [2015 c. 11 Sch. 20 para. 15\(2\)\(a\)](#)
- Sch. 55 para. 6(4A)(za) inserted by [2015 c. 11 Sch. 20 para. 15\(3\)\(a\)](#)
- Sch. 55 para. 17(4)(ba) inserted by [2015 c. 11 Sch. 20 para. 19](#)
- Sch. 56 para. 3(1)(d) omitted by [2021 c. 26 Sch. 27 para. 40\(4\)\(c\)](#)