



Finance Act 2019

2019 CHAPTER 1

PART 4

ADMINISTRATION AND ENFORCEMENT

Payment of unlawful advance corporation tax

86 Section 85: supplementary

- (1) This section supplements section 85.
- (2) Nothing in section 85 limits the remedies that a court may award in respect of the claim.
- (3) However—
 - (a) a person is not entitled to an order under section 85 in respect of a relevant payment if the person has obtained any other relevant remedy in respect of the relevant payment, and
 - (b) a person who has obtained an order under section 85 in respect of a relevant payment is not entitled to any other relevant remedy in respect of the relevant payment.
- (4) In subsection (3) “relevant remedy” means a remedy for the loss of use of the amount of the relevant payment during the period mentioned in section 85(3)(a) (or during some similar period).
- (5) Any interest or repayment supplement paid by the Commissioners on the making of—
 - (a) a repayment of a relevant payment, or
 - (b) a repayment of corporation tax occurring as a result of a relevant payment,is not regarded as a relevant remedy in respect of the relevant payment.
- (6) Where the right to bring a claim arising out of a payment of unlawful ACT has been transferred from the person who made the payment (“the payor”) to another person (“the successor”)—

Status: This is the original version (as it was originally enacted).

- (a) in section 85(1) the reference to “a person” is to the payor or the successor;
 - (b) in section 85(2) the reference to “the person” is to the payor;
 - (c) in section 85(3) the reference to “the person” is to the successor.
- (7) Any amount paid by the Commissioners to a person on a day by virtue of section 85 is to be brought into account when calculating, for tax purposes, the profits (or income) of the person for any period which includes that day.