
STATUTORY INSTRUMENTS

2005 No. 2045

The Income Tax (Construction
Industry Scheme) Regulations 2005

PART 7

ELECTRONIC COMMUNICATIONS

Contractor in default if specified payment not received by applicable due date

46.—(1) This regulation applies if a contractor is required to make a specified payment by an approved method of electronic communications in accordance with regulation 45.

(2) The contractor is in default if the specified payment is not received in full by Her Majesty's Revenue and Customs (whether by an approved method of electronic communications or otherwise) on or before the date by which that payment is required in accordance with regulation 7 ("the applicable date").

(3) But the contractor is not in default if—

- (a) the contractor had a reasonable excuse for failing to make the specified payment in a manner which secures that it is received in full by Her Majesty's Revenue and Customs on or before the applicable due date, and
- (b) the specified payment is received in full by Her Majesty's Revenue and Customs without unreasonable delay after the excuse ceased.

(4) Inability to pay is not a reasonable excuse for the purposes of sub-paragraph (3)(a).

(5) A payment is not treated as received in full by Her Majesty's Revenue and Customs on or before the date by which that payment is required in accordance with regulation 7 unless it is made in a manner which secures (in a case where the payment is made otherwise than in cash) that, on or before that date, all transactions can be completed which need to be completed before the whole amount of the payment becomes available to the Commissioners for Her Majesty's Revenue and Customs.