

SCHEDULE 1

Consequential Amendments and Supplemental Provisions – Primary Legislation

Taxes Management Act 1970

35. For section 56 (statement of case for opinion of the High Court) substitute—

“56. Payment of tax where there is a further appeal

(1) This section applies if a party to an appeal against an assessment (the “initial appeal”) makes a further appeal.

(2) Tax is payable or repayable in accordance with the determination of the court or tribunal on the initial appeal, despite the further appeal having been made.

(3) But in a case where the amount charged by the assessment is altered by the order or judgment of the Upper Tribunal or court—

- (a) if too much tax has been paid, the amount overpaid shall be refunded with such interest, if any, as may be allowed by that order or judgment; and
- (b) if too little tax has been charged, the amount undercharged shall be due and payable at the expiration of a period of thirty days beginning with the date on which HMRC issue to the other party a notice of the total amount payable in accordance with the order or judgment.”.