
STATUTORY INSTRUMENTS

2010 No. 466 (C. 31)

INCOME TAX

The Finance Act 2009, Schedule 56 (Appointed Day and Consequential Provisions) Order 2010

<i>Made</i>	- - - -	<i>25th February 2010</i>
<i>Laid before the House of Commons</i>	- - - -	<i>26th February 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Treasury make the following Order in exercise of the powers conferred by section 107 of the Finance Act 2009⁽¹⁾.

Citation, commencement and interpretation

1. This Order may be cited as the Finance Act 2009, Schedule 56 (Appointed Day and Consequential Provisions) Order 2010 and shall come into force on 6th April 2010.

2. In this Order—

“Schedule 56” means Schedule 56 to the Finance Act 2009;

“tax quarter” means any of the following (inclusive) periods—

6th April to 5th July, 6th July to 5th October, 6th October to 5th January and 6th January to 5th April;

“tax month” means the period beginning on the 6th day of a calendar month and ending on the 5th day of the following calendar month;

“tax period” means a tax quarter or tax month;

“section 254 period” means each period of three months ending with 31st March, 30th June, 30th September or 31st December as provided for in section 254(2) of the Finance Act 2004⁽²⁾.

Appointed day

3.—(1) In relation to those amounts of tax which are specified in paragraph (2), and are—

(a) chargeable in respect of a tax period starting on or after 6th April 2010, or

(b) chargeable in respect of a section 254 period ending on or after 30th September 2010

(1) 2009 c.10.

(2) 2004. c.12.

the day appointed for the coming into force of Schedule 56 is 6th April 2010.

(2) The amounts of tax referred to in paragraph (1) are the following amounts specified in column 3 of the Table in paragraph 1 of Schedule 56—

- (a) items 2, 3 and 4, and
- (b) items 17, 23 and 24 but only insofar as the tax falls within any of items 2,3 or 4.

Consequential provisions and savings

4.—(1) Regulations 203 (default surcharge) and 204 (surcharge notice and appeal) of the Income Tax (Pay As You Earn) Regulations 2003⁽³⁾ are omitted subject to the savings set out in paragraph (3).

(2) Regulations 48 (default surcharge) and 49 (surcharge notice and appeal) of the Income Tax (Construction Industry Scheme) Regulations 2005⁽⁴⁾ are omitted subject to the savings set out in paragraph (3).

(3) The regulations referred to in paragraphs (1) and (2) shall continue to have effect in relation to surcharges arising in respect of late payments of tax where the tax was chargeable in respect of a tax period ending on or before 5th April 2010.

(4) Paragraph 110 of Schedule 2 (consequential amendments and supplemental provisions – secondary legislation) to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009⁽⁵⁾ is omitted.

25th February 2010

Tony Cunningham
Steve McCabe
Two of the Lords Commissioners of Her
Majesty's Treasury

(3) S.I. 2003/2682, amended by S.I. 206/777, 2009/2029 and 2009/56; there are other amending instruments but none is relevant.
(4) S.I. 2005/2045, regulation 48 was amended by S.I. 2009/2030.
(5) S.I. 2009/56.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 6th April 2010 as the day on which the penalty regime for failure to make payments of certain amounts of tax set out in Schedule 56 to the Finance Act 2009 (“Schedule 56”) comes into force. The new regime is commenced for income tax payable under (a) the Income Tax (Pay As You Earn) Regulations 2003 (S.I.2003/2682) (the “PAYE Regulations”) and (b) Chapter 3 of Part 3 of the Finance Act 2004 (the construction industry scheme) and tax charges payable by scheme administrators of registered pension schemes under Part 4 of the Finance Act 2004.

Article 1 provides for citation and commencement.

Article 2 provides definitions.

Article 3 provides that the appointed day for items 2,3 and 4 of the Table found in paragraph 1 of Schedule 56 and for items 17, 23 and 24 of the same Table when they fall within items 2, 3 or 4, is 6th April 2010.

Article 4 omits regulations 203 and 204 of the PAYE Regulations and regulations 48 and 49 of the Income Tax (Construction Industry Scheme) Regulations 2005 (S.I.2005/2045) which impose surcharges for late payments of tax on large employers. The article provides that the regulations will continue to have effect in respect of surcharges that arise in respect of late paid tax arising in respect of tax periods on or before 5th April 2010. Paragraph 110 of Schedule 2 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56) (which amends regulation 204) is also omitted.

A full impact assessment covering the introduction of the new penalty regime entitled “Working towards a harmonised regime and meeting the obligations to file returns and pay tax on time” was published on 14th April 2009 and is available at www.hrmc.gov.uk/better-regulation/ia.htm.