

2011 No. 975 (C. 38)

REVENUE AND CUSTOMS

**The Finance Act 2010, Schedule 10 (Appointed Days and
Transitional Provisions) Order 2011**

Made - - - -

28th March 2011

The Treasury make the following Order in exercise of the power conferred by section 35(2) and (3) of the Finance Act 2010(a).

Citation and interpretation

1.—(1) This Order may be cited as the Finance Act 2010, Schedule 10 (Appointed Days and Transitional Provisions) Order 2011.

(2) In this Order—

“HMRC” means Her Majesty’s Revenue and Customs; and

“tax period” has the same meaning as it has in paragraph 28(g) of Schedule 24 to the Finance Act 2007(b).

Appointed days

2.—(1) 6th April 2011 is the day appointed for the coming into force of paragraphs 1 to 9 of Schedule 10 to the Finance Act 2010 (penalties: offshore income etc).

(2) 6th April 2011 is the day appointed for the coming into force of paragraphs 10 to 14 of Schedule 10 to the Finance Act 2010 in relation to a return or other document which—

(a) is required to be made or delivered to HMRC in relation to the tax year 2011-12(c) or any subsequent tax year, and

(b) falls within item 1, 2 or 3 of the Table in paragraph 1 of Schedule 55 to the Finance Act 2009 (penalty for failure to make returns etc)(d).

Transitional provisions

3. Article 2 of this Order does not have effect in relation to Schedule 24 to the Finance Act 2007 in relation to—

(a) documents given to HMRC, and

(a) 2010 c. 13.

(b) 2007 c. 11.

(c) See section 4(2) and (4) of the Income Tax Act 2007 (c. 3) for the meaning of the expressions “tax year” and “the tax year 2011-12” for the purposes of the Income Tax Acts and section 288(1ZA) of the Taxation of Chargeable Gains Act 1992 (c. 12) for the meaning of those expressions for the purposes of enactments relating to capital gains tax. Section 288(1ZA) was inserted by paragraph 101(1) and (3) of Schedule 2 to the Finance Act 2008 (c. 9).

(d) 2009 c. 10. Relevant amendments are made to Schedule 55 by Schedule 10 to the Finance (No. 3) Act 2010 (c. 33). Those amendments will come into force on 6th April 2011 by virtue of S.I. 2011/703.

(b) assessments issued by HMRC,

in relation to a tax period commencing on or before 5th April 2011.

4. Article 2 of this Order does not have effect in relation to Schedule 41 to the Finance Act 2008 in relation to—

(a) any relevant obligation(a) arising under—

- (i) section 7 of the Taxes Management Act 1970 (notice of liability to income tax and capital gains tax)(b),
- (ii) paragraph 2 of Schedule 18 to the Finance Act 1998 (duty to give notice of chargeability)(c), and
- (iii) paragraphs 5, 6, and 14(2) and (3) of Schedule 1 (registration in respect of taxable supplies), paragraph 3 of Schedule 3 (registration in respect of acquisitions from other member states), and paragraphs 4 and 7(2) and (3) of Schedule 3A (registration in respect of disposals of assets for which a VAT repayment is claimed), to the Value Added Tax Act 1994(d),

in relation to a tax period commencing on or before 5th April 2011;

- (b) all other relevant obligations arising on or before 5th April 2011;
- (c) any unauthorised issue of an invoice(e) taking place on or before 5th April 2011;
- (d) any act which enables HMRC to assess an amount as duty under a relevant excise provision(f) and which is done on or before 5th April 2011; and
- (e) any act giving rise to a penalty under paragraph 4 of Schedule 41 to the Finance Act 2008 (handling goods subject to excise duty) which is done on or before 5th April 2011.

5. Article 2 of this Order does not have effect in relation to Schedule 55 to the Finance Act 2009 in relation to a return or other document which is required to be made or delivered to HMRC in relation to the tax year 2010-11 or any previous tax year.

Michael Fabricant
James Duddridge

28th March 2011

Two of the Lords Commissioners of Her Majesty's Treasury

(a) See paragraph 1 of Schedule 41 to the Finance Act 2008 for the meaning of the expression “relevant obligation”.

(b) 1970 c. 9. Section 7 was substituted by section 196 of, and paragraph 1 of Schedule 19 to, the Finance Act 1994 (c. 9). It was amended by sections 103(1), (2) and (7), and 115(1) of the Finance Act 1995 (c. 4); section 34 of, and paragraph 1 of Schedule 4 to, the Finance (No. 2) Act 1997 (c. 58); section 86 of, paragraph 5 of Schedule 14 to, the Finance Act 1998 (c. 36); section 722 of, and paragraphs 123 and 124 of Schedule 6 to, the Income Tax (Employment and Pensions) Act 2003 (c. 1); section 882(1) of, and paragraphs 357 and 358 of Schedule 1 to, the Income Tax (Trading and Other Income) Act 2005 (c. 5); and sections 5(7) and 123(1) of, and paragraphs 37 and 38 to Schedule 1, and paragraph 25(a) of Schedule 41, to, the Finance Act 2008.

(c) 1998 c. 36.

(d) 1994 c. 23. Schedule 3A was inserted by section 136(8) of, and Schedule 36 to, the Finance Act 2000 (c. 17).

(e) See paragraph 2(2) of Schedule 41 to the Finance Act 2008 for the meaning of the expression “unauthorised issue of an invoice”.

(f) See paragraph 3(1) of Schedule 41 to the Finance Act 2008 for the meaning of the expression “relevant excise provision”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 6th April 2011 as the day on which Schedule 10 to the Finance Act 2010 (c. 13) comes into force. Schedule 10 increases the level of penalties that may be charged in cases where certain offshore income, gains or assets have not been declared to HM Revenue and Customs (“HMRC”).

Schedule 10 achieves this by amending Schedule 24 to the Finance Act 2007 (c. 11) (documents submitted to HMRC which contain inaccuracies that lead to a loss of tax), Schedule 41 to the Finance Act 2008 (c. 9) (penalties for failure to notify chargeability) and Schedule 55 to the Finance Act 2009 (c. 10) (the late filing of returns).

Article 3 makes transitional provision ensuring that Schedule 24 to the Finance Act 2007 is not amended in relation to documents and assessments that relate to a tax period commencing on or before 5th April 2011.

Article 4 makes transitional provision ensuring that Schedule 41 to the Finance Act 2008 is not amended in relation to various ‘trigger events’ occurring on or before 5th April 2011 or in relation to obligations which arise in relation to a tax period that commenced on or before 5th April 2011.

Article 5 makes transitional provision ensuring that Schedule 55 to the Finance Act 2009 is not amended in relation to a return or other document required to be made or delivered to HMRC in relation to the tax year 2010-11 or any previous tax year.

In line with Government commitments, a Tax Information and Impact Note has not been prepared for this instrument as it gives effect to previously announced policy and is an appointed day order.

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