2002/1727

Tax Credits Act 2002 (Commencement No 1) Order 2002

TCA 2002 (Commencement No 1) Order

Made by the Treasury under TCA 2002 ss 61, 62

Made 8 July 2002

[MAIN

1 Citation and interpretation

(1) This Order may be cited as the Tax Credits Act 2002 (Commencement No. 1) Order 2002.

(2) In this Order—

[DEFINITIONB

“the Act” means the Tax Credits Act 2002;

“award” means an award of a tax credit for a period commencing on or after 6th April 2003.

[DEFINITIONE

2 Commencement of certain provisions of the Act

The following provisions of the Act come into force on the dates and for the purposes mentioned in relation to each provision:

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#TableB

| *Provision*  | *Date*  | *Purposes*  |
| --- | --- | --- |
| Section 1(1) and (2) (introductory) | 9th July 2002 | All purposes of Part 1 of the Act and, as respects tax credits, Part 3 of the Act |
| Section 2 (functions of Board) | 9th July 2002 | All purposes of Part 1 of the Act and, as respects tax credits, Part 3 of the Act |
| Section 3(1) and (3) (claims) | 9th July 2002 | Making regulations about claims |
| Section 3(1) and (3) | 1st August 2002 | Making claims |
| Section 3(1) and (3) | 1st January 2003 | Making decisions on claims |
| Section 3(1) and (3) | 6th April 2003 | All other purposes of Part 1 of the Act and, as respects tax credits, Part 3 of the Act |
| Section 3(2)(*a*) | 1st January 2003 | All purposes of Part 1 of Act and, as respects tax credits, Part 3 of the Act |
| Section 3(2)(*b*) | 1st January 2003 | All purposes of Part 1 of the Act and, as respects tax credits, Part 3 of the Act |
| Section 3(4) | 1st August 2002 | Entitlement to make a claim |
| Section 3(5) to (8) | 9th July 2002 | All purposes of Part 1 of the Act and, as respects tax credit, Part 3 of the Act |
| Section 4(1) (claims—supplementary) | 9th July 2002 | Making regulations |
| Section 4(2) | 1st August 2002 | All purposes mentioned in section 4(2) of the Act |
| Section 5(1) and (3) (Period of awards) | 1st January 2003 | Making decisions on claims made before beginning of tax year |
| Section 5(2) and (3) | 6th April 2003 | Making decisions on other claims |
| Section 6 (notifications of changes of circumstances) | 9th July 2002 | Making regulations |
| Section 7(1) to (5) (income test) | 9th July 2002 | Making regulations |
| Section 7(1) to (5) | 1st August 2002 | Making claims |
| Section 7(1) to (5) | 1st January 2003 | Making decisions on claims |
| Section 7(1) to (5) | 6th April 2003 | Entitlement to payment award |
| Section 7(6) to (9) | 9th July 2002 | Making regulations |
| Section 7(10) | 1st August 2002 | Estimating income for the purposes of making, amending or terminating awards |
| Section 8 (entitlement to child tax credit) | 9th July 2002 | Making regulations |
| Section 8 | 1st August 2002 | Making claims |
| Section 8 | 1st January 2003 | Making decisions on claims |
| Section 8 | 6th April 2003 | Entitlement to payment award |
| Section 9 (maximum rate child tax credit) | 9th July 2002 | Making regulations |
| Section 9 | 1st August 2002 | Making claims |
| Section 9 | 1st January 2003 | Making decisions on claims |
| Section 9 | 6th April 2003 | Entitlement to payment of award |
| Section 10 (entitlement to working tax credit) | 9th July 2002 | Making regulations |
| Section 10 | 1st August 2002 | Making claims |
| Section 10 | 1st January 2003 | Making decisions on claims |
| Section 10 | 6th April 2003 | Entitlement to payment of award |
| Section 11 (maximum rate working tax credit) | 9th July 2002 | Making regulations |
| Section 11 | 1st August 2002 | Making claims |
| Section 11 | 1st January 2003 | Making decisions on claims |
| Section 11 | 6th April 2003 | Entitlement to payment of award |
| Section 12(1) to (5) (child care element working tax credit) | 9th July 2002 | Making regulations |
| Section 12(1) to (5) | 1st August 2002 | Making claims |
| Section 12 (1) to (5) | 1st January 2003 | Making decisions on claims |
| Section 12(1) to (5) | 6th April 2003 | Entitlement to payment of award |
| Section 12(5) to (8) | 9th July 2002 | Making schemes |
| Section 13 (rate of tax credit) | 9th July 2002 | Making regulations |
| Section 13 | 1st August 2002 | Making claims |
| Section 13 | 1st January 2003 | Making decisions on claims |
| Section 13 | 6th April 2003 | Entitlement to payment of award |
| Section 14(1) and (3) (initial decisions on claims) | 1st January 2003 | Making decisions on claims |
| Section 14(2) | 9th July 2002 | Making regulations |
| Section 14(2) | 1st August 2002 | Dealing with claims |
| Section 15(1) (revised decisions after notifications) | 1st January 2003 | Making decisions on whether to amend awards |
| Section 15(2) | 9th July 2002 | Making regulations |
| Section 15(2) | 1st August 2002 | Dealing with notifications of change of circumstances |
| Section 16(1) (other revised decisions) | 1st January 2003 | Making decisions on whether to amend or terminate awards |
| Section 16(2) and (3) | 1st January 2003 | Giving of notice under section 16(2) and (3) of the Act |
| Section 16(3) | 9th July 2002 | Making regulations |
| Section 17(1) to (9) (final notice) | 6th April 2003 | Giving final notice on award |
| Section 17(10) | 9th July 2002 | Making regulations |
| Section 18 (decisions after final notice) | 6th April 2003 | Making decisions after final notice |
| Section 19 (power to enquire into awards) | 6th April 2003 | Enquiring into awards |
| Section 19(2) | 9th July 2002 | Making regulations |
| Section 20 (decisions on discovery) | 6th April 2003 | Making decisions under section 20(1) and (4) of the Act |
| Section 21 (decisions subject to official error) | 9th July 2002 | Making regulations for the purposes of revising decisions under sections 14(1), 15(1), 16(1), 18(1), (5), (6) and (9), 19(3) and 20(1) and (4) of the Act |
| Section 22 (information etc. requirements— supplementary) | 9th July 2002 | Making regulations |
| Section 23 (notice of decisions) | 1st January 2003 | Giving notices of decisions under sections 14(1), 15(1) and 16(1) of the Act, and of revised decisions under those sections by virtue of regulations under section 21 of the Act |
| Section 23 | 6th April 2003 | Giving notices of decisions under sections 18(1), (5), (6) and (9), 19(3) and 20(1) and (4) of the Act, and of revised decisions under those sections by virtue of regulations under section 21 of the Act |
| Section 24 (payments of a tax credit) | 9th July 2002 | Making regulations |
| Section 24 | 1st August 2002 | Making claims |
| Section 24 | 1st January 2003 | Making decisions on claims |
| Section 24 | 6th April 2003 | Entitlement to payment of award |
| Section 25(1), (2) and (5) to (7) (payments of working tax credit by employers) | 9th July 2002 | Making regulations |
| Section 25(3), (4), and (5) | 6th April 2003 | Power to call for documents etc. in relation to employer's compliance with regulations under section 25 |
| Section 26 (liability of officers for sums paid to employers) | 1st January 2003 | Making regulations |
| Section 27 and Schedule 1 (rights of employees) | 1st September 2002 | Rights conferred on employees by virtue of regulations under section 25 of the Act |
| Sections 28 to 30 (overpayments, recovery of overpayments and underpayments of a tax credit) | 6th April 2003 | Liability to repay overpayments or to be paid full entitlement where underpayment |
| Section 30 (underpayments) | 1st January 2003 | Making regulations under section 30 of the Act |
| Section 31 (incorrect statements etc) | 1st August 2002 | Imposition of penalties for incorrect statement or declaration in or in connection with a claim for a tax credit or a notification given in accordance with regulations under section 6 of the Act, or for incorrect information or evidence in response to a requirement imposed by virtue of regulations under section 25 of the Act |
| Section 31 | 1st January 2003 | Imposition of penalties for incorrect information or evidence in response to a requirement imposed by virtue of section 14(2), 15(2) or 16(3) of the Act |
| Section 31 | 6th April 2003 | Imposition of penalties for incorrect information or evidence in response to a requirement imposed by virtue of section 18(10) or 19(2) of the Act, or for incorrect statement or declaration in response to a notice under section 17 of the Act |
| Section 32 (failure to comply with requirements) | 1st August 2002 | Imposition of penalty for failure to provide information or evidence required by regulations under section 25 of the Act, or for failure to give notification required by regulations under section 6(3) of the Act |
| Section 32 | 1st January 2003 | Imposition of penalty for failure to provide information or evidence under section 14(2), 15(2) or 16(3) of the Act |
| Section 32 | 6th April 2003 | Imposition of penalty for failure to provide information or evidence under section 18(10) or 19(2) of the Act, or to comply with requirement imposed by notice under section 17 of the Act by virtue of subsection (2)(a), (4)(a) or (6)(a) of that section |
| Section 33 (failure by employers to make correct payments) | 6th April 2003 | Imposition of penalty for failure by employer to make correct payment to employee |
| Section 34 and Schedule 2 (penalties—supplementary) | 1st August 2002 | Imposition of penalties under section 31 of the Act for incorrect statement or declaration in or in connection with a claim for a tax credit or a notification given in accordance with regulations under section 6 of the Act, or for incorrect information or evidence in response to a requirement imposed by regulations under section 25 of the Act; mitigation of such penalties, appeals against such penalties and recovery of such penalties |
| Section 34 and Schedule 2 | 1st January 2003 | Imposition of penalties under section 31 of the Act for incorrect information or evidence in response to a requirement imposed by virtue of section 14(2), 15(2) or 16(3) of the Act; mitigation of such penalties, appeals against such penalties and recovery of such penalties |
| Section 34 and Schedule 2 | 6th April 2003 | Imposition of penalties under section 31 of the Act for incorrect information or evidence in response to a requirement imposed by virtue of section 18(10) or 19(2) of the Act, or for incorrect statement or declaration in response to a notice under section 17 of the Act; mitigation of such penalties, appeals against such penalties and recovery of such penalties |
| Section 34 and Schedule 2 | 1st August 2002 | Imposition of penalties under section 32(2)(*b*) or (3) of the Act for failure to provide information or evidence required by regulations under section 25 of the Act, or for failure to give notification required by regulations under section 6(3) of the Act; bringing of proceedings for penalties under section 32(2)(*a*) before Commissioners for failure to provide information or evidence required by regulations under section 25 of the Act; mitigation of such penalties, appeals against such penalties and recovery of such penalties |
| Section 34 and Schedule 2 | 1st January 2003 | Imposition of penalties under section 32(2)(*b*) of the Act for failure to provide information or evidence under section 14(2), 15(2) or 16(3) of the Act; bringing of proceedings for such penalties under section 32(2)(*a*) before Commissioners; mitigation of such penalties, appeals against such penalties and recovery of such penalties |
| Section 34 and Schedule 2 | 6th April 2003 | Imposition of penalties under section 32(2)(*b*) of the Act for failure to provide information or evidence under section 18(10) or 19(2) of the Act, or for failure to comply with requirement imposed by notice under section 17 of the Act by virtue of subsection (2)(*a*), (4)(*a*) or (6)(*a*) of that section; bringing of proceedings for such penalties under section 32(2)(*a*) before Commissioners; mitigation of such penalties, appeals against such penalties and recovery of such penalties |
| Section 34 and Schedule 2 | 6th April 2003 | Imposition of penalties under section 33 of the Act for failure by employer to make correct payment to employee; mitigation of such penalties, appeals against such penalties and recovery of such penalties |
| Section 35 (offence of fraud) | 1st August 2002 | Instituting criminal proceedings for fraud in connection with obtaining payments of a tax credit |
| Section 36 (powers in relation to documents) | 1st August 2002 | Obtaining of documents in relation to offences involving fraud or serious fraud in connection with, or in relation to, tax credits |
| Section 37(1) to (4) and (6) (interest) | 6th April 2003 | Interest on overpayment of a tax credit |
| Section 37(2) and (5) | 9th July 2002 | Making regulations to prescribe rates of interest |
| Section 37(5) and (6) | 1st August 2002 | Interest on penalties under section 31 of the Act for incorrect statement or declaration in or in connection with a claim for a tax credit or a notification given in accordance with regulations under section 6 of the Act, or for incorrect information or evidence in response to a requirement imposed by virtue of regulations under section 25 of the Act |
| Section 37(5) and (6) | 1st January 2003 | Interest on penalties under section 31 of the Act for incorrect information or evidence in response to a requirement imposed by virtue of section 14(2), 15(2) or 16(3) of the Act |
| Section 37(5) and (6) | 6th April 2003 | Interest on penalties under section 31 of the Act for incorrect information or evidence in response to a requirement imposed by virtue of section 18(10) or 19(2) of the Act, or for incorrect statement or declaration in response to a notice under section 17 of the Act |
| Section 37(5) and (6) | 1st August 2002 | Interest on penalties under section 32 of the Act for failure to provide information or evidence required by regulations under section 25 of the Act, or for failure to give notification required by regulations under section 6(3) of the Act |
| Section 37(5) and (6) | 1st January 2003 | Interest on penalties under section 32 of the Act for failure to provide information or evidence under section 14(2), 15(2) or 16(3) of the Act |
| Section 37 (5) and (6) | 6th April 2003 | Interest on penalties under section 32 of the Act for failure to provide information or evidence under section 18(10) or 19(2) of the Act, or to comply with requirement imposed by notice under section 17 of the Act by virtue of subsection (2)(*a*), (4)(a) or (6)(*a*) of that section |
| Section 37(5) and (6) | 6th April 2003 | Interest on penalties under section 33 of the Act for failure by employer to make correct payment to employee |
| Sections 38 and 39 (appeals and exercise of right of appeal) | 1st September 2002 | Appeal against determination of penalty under paragraph 1 of Schedule 2 to the Act where the penalty is imposed under section 31 of the Act for incorrect statement or declaration in or in connection with a claim for a tax credit or a notification given in accordance with regulations under section 6 of the Act, or for incorrect information or evidence in response to a requirement imposed by virtue of regulations under section 25 of the Act |
| Sections 38 and 39 | 1st January 2003 | Appeal against determination of penalty under paragraph 1 of Schedule 2 to the Act where the penalty is imposed under section 31 of the Act for incorrect information or evidence in response to a requirement imposed by virtue of section 14(2), 15(2) or 16(3) of the Act |
| Sections 38 and 39 | 6th April 2003 | Appeal against determination of penalty under paragraph 1 of Schedule 2 to the Act where the penalty is imposed under section 31 of the Act for incorrect information or evidence in response to a requirement imposed by virtue of section 18(10) or 19(2) of the Act, or for incorrect statement or declaration in response to a notice under section 17 of the Act |
| Sections 38 and 39 | 1st September 2002 | Appeal against determination of penalty under paragraph 1 of Schedule 2 to the Act where the penalty is imposed under section 32(2)(*b*) or (3) of the Act for failure to provide information or evidence required by regulations under section 25 of the Act, or for failure to give notification required by regulations under section 6(3) of the Act |
| Sections 38 and 39 | 1st January 2003 | Appeal against determination of penalty under paragraph 1 of Schedule 2 to the Act where the penalty is imposed under section 32(2)(*b*) of the Act for failure to provide information or evidence under section 14(2), 15(2) or 16(3) of the Act |
| Sections 38 and 39 | 6th April 2003 | Appeal against determination of penalty under paragraph 1 of Schedule 2 to the Act where the penalty is imposed under section 32(2)(*b*) of the Act for failure to provide information or evidence under section 18(10) or 19(2) of the Act, or to comply with requirement imposed by notice under section 17 of the Act by virtue of subsection (2)(*a*), (4)(*a*) or (6)(*a*) of that section |
| Sections 38 and 39 | 6th April 2003 | Appeal against a determination of a penalty under paragraph 1 of Schedule 2 to the Act where the penalty is imposed under section 33 of the Act for failure by employer to make correct payment to employee |
| Sections 38 and 39 | 1st January 2003 | Appeal against a decision under section 14(1), 15(1) or 16(1) of the Act, or under regulations under section 21 of the Act |
| Sections 38 and 39 | 6th April 2003 | Appeal against a decision under section 18 (falling within section 38(1)(*b*)), 19(3), 20(1) to (4) or 37(1) of the Act |
| Section 40 (annual reports) | 6th April 2004 | Making of annual report by the Board to the Treasury |
| Section 41 (annual review) | 6th April 2003 | Review of prescribed monetary amounts |
| Sections 42 and 43 (persons subject to immigration control and polygamous marriages) | 9th July 2002 | Making regulations |
| Section 44 (Crown employment) | 9th July 2002 | Application of Part 1 of the Act to persons employed by or under the Crown |
| Section 45 (inalienability) | 1st January 2003 | All purposes of Part 1 of the Act and, as respects tax credits, Part 3 of the Act |
| Section 46 (giving of notices by Board) | 1st August 2002 | All purposes of Part 1 of the Act and, as respects tax credits, Part 3 of the Act |
| Section 48 (interpretation) | 9th July 2002 | All purposes of Part 1 of the Act |
| Section 58 (administrative arrangements) | 9th July 2002 | For the purposes of making regulations in relation to tax credits only |
| Section 59 and Schedule 5 (use and disclosure of information) | 1st August 2002 | All purposes of Part 1 of the Act and, as respects tax credits, Part 3 of the Act |
| Section 60 and Schedule 6 (repeals) so far as concerns section 6 of the Tax Credits Act 1999 (c.10) (payment of tax credit by employers etc.) and regulations made under that section | 27th August 2002 | For the purposes of awards of working families' tax credit and disabled person's tax credit commencing on or after 27th August 2002 |
| Section 60 and Schedule 6 so far as concerns section 6 of the Tax Credits Act 1999 and regulations made under that section | The day immediately following the expiry of the period of 26 weeks from the date of commencement of the award | For the purposes of awards of working families' tax credit and disabled person's tax credit that commence on or after 4th June 2002 but before 27th August 2002 and are existing on 27th August 2002 |

#TableE

[FTE

3 [Claims for a tax credit relating to the tax year 2003–04—transitional provision

(1) For the purposes of the definition of “the previous year income” in section 7(5) of the Act—

(*a*) any claim under the Act for a tax credit relating to the tax year 2003–04 shall be treated as if it were a claim for the tax year 2002–03, and

(*b*) accordingly the previous year income in relation to such a claim shall be income for the tax year 2001–02.

(2) In paragraph (1)—

[DEFINITIONB

“the tax year 2001–02” means the tax year beginning on 6th April 2001 and ending on 5th April 2002,

“the tax year 2002–03” means the tax year beginning on 6th April 2002 and ending on 5th April 2003, and

“the tax year 2003–04” means the tax year beginning on 6th April 2003 and ending on 5th April 2004.]1

[DEFINITIONE

#CommentB

**Amendments—**

#EndnotesB

1 Substituted by the Tax Credits (Claims) (Transitional Provision) (Amendment) Order, SI 2002/2158 with effect from 20 August 2002 in the absence of any specific commencement provision.

#EndnotesE

#CommentE