2003/1382

Tax Credits (Employer Penalty Appeals) Regulations 2003

Tax Credits (Employer Penalty Appeals) Regs 2003

Made by the Commissioners of Inland Revenue under TCA 2002 ss 39(6), 65(2) and (6) and 67 of the Tax Credits Act 2002, with the consent of the Lord Chancellor and the Scottish Ministers

Made 23 May 2003

Laid before Parliament 28 May 2003

Coming into force 18 June 2003

[MAIN

1 Citation and Commencement

These Regulations may be cited as the Tax Credits (Employer Penalty Appeals) Regulations 2003 and shall come into force on 18th June 2003.

2 Interpretation

In these Regulations—

[DEFINITIONB

“the Act” means the Taxes Management Act 1970; and

“employer penalty” has the meaning given in section 63(11) of the Tax Credits Act 2002.

[DEFINITIONE

3 Part 5 of the Taxes Management Act

Part 5 of the Act [(appeals)]1 applies to an appeal under section 38 of the Tax Credits Act 2002 against an employer penalty subject to the modifications set out in these Regulations.

#CommentB

**Amendments—**

#EndnotesB

1 Words substituted for words “(appeals to Commissioners)”, by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order, SI 2009/56 art 3, Sch 2 paras 84, 85 with effect from 1 April 2009.

#EndnotesE

#CommentE

4

In section 44 of the Act (General Commissioners)—

(a) for subsection (1) substitute—

[ISOB

“(1) Proceedings before the General Commissioners in relation to an appeal against an employer penalty (as defined in section 63(11) of the Tax Credits Act 2002) shall, subject to the provisions of this section, be brought before the General Commissioners for the division in which the employer's place of business is situated.

(1A) In this section “employer's place of business” means—

(a) the place where the trade, profession, vocation or business of the employer is carried on, or

(b) if the trade, profession, vocation or business of the employer is carried on at more than one place, the head office or the place where it is mainly carried on.”;

[ISOE

(b) for the words “under the Taxes Acts” in each place where they occur, substitute “in relation to an appeal against an employer penalty (as defined in section 63(11) of the Tax Credits Act 2002)”;

(c) in subsection (4) omit “, whether by a case stated under section 56 of this Act or otherwise,”; and

(d) in subsection (5) omit “by the Taxes Acts or”.1

#CommentB

**Amendments—**

#EndnotesB

1 Paras 4–6 revoked by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order, SI 2009/56 art 3, Sch 2 paras 84, 86 with effect from 1 April 2009.

#EndnotesE

#CommentE

5

In section 46 of the Act (General and Special Commissioners)—

(a) in subsection (1) for “or other proceedings under the Taxes Act or Part II of the Social Security Contributions (Transfer of Functions, etc) Act 1999 or by Part III of the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999” substitute “against an employer penalty (as defined in section 63(11) of the Tax Credits Act 2002)”; and

(b) in subsection (2)—

(i) omit “in the Taxes Acts or”; and

(ii) for the words “under the Taxes Acts” substitute “in relation to an appeal against an employer penalty (as defined in section 63(11) of the Tax Credits Act 2002)”.1

#CommentB

**Amendments—**

#EndnotesB

1 Paras 4–6 revoked by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order, SI 2009/56 art 3, Sch 2 paras 84, 86 with effect from 1 April 2009.

#EndnotesE

#CommentE

6

In section 46A of the Act (regulations about jurisdiction)—

(a) in subsection (1) for the words “or other proceedings under the Taxes Acts”, in each place where they occur, substitute “against an employer penalty (as defined in section 63(11) of the Tax Credits Act 2002)”; and

(b) omit subsection (1A).1

#CommentB

**Amendments—**

#EndnotesB

1 Paras 4–6 revoked by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order, SI 2009/56 art 3, Sch 2 paras 84, 86 with effect from 1 April 2009.

#EndnotesE

#CommentE

7

In section 48 of the Act—

(*a*) in subsection (1) for the definition of appeal substitute—

[ISOB

“ “appeal” means an appeal against an employer penalty (as defined in section 63(11) of the Tax Credits Act 2002) to the [tribunal]1;”; and

[ISOE

(*b*) omit subsection (2).

#CommentB

**Amendments—**

#EndnotesB

1 Word substituted for words “General Commissioners or to the Special Commissioners”, by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order, SI 2009/56 art 3, Sch 2 paras 84, 87 with effect from 1 April 2009.

#EndnotesE

#CommentE

8

In section 49(1) of the Act, for the words “an inspector or the Board”, in each place where they occur, substitute “an officer of the Board”.1

#CommentB

**Amendments—**

#EndnotesB

1 Para 8 revoked by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order, SI 2009/56 art 3, Sch 2 paras 84, 88 with effect from 1 April 2009.

#EndnotesE

#CommentE

9

In section 54 of the Act—

(*a*) in subsection (1) for the words “discharged or cancelled” substitute “set aside” and for the words “had discharged or cancelled it” substitute “had set it aside”;

(*b*) for the words “the inspector or other proper officer of the Crown” and the words “the inspector or other proper officer”, in each place where they occur, substitute “the officer of the Board”; and

(*c*) omit the words “assessment or” in each place where they occur.

10

[Omit section 56 of the Act]1

#CommentB

**Amendments—**

#EndnotesB

1 Reg 10 substituted by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order, SI 2009/56 art 3, Sch 2 paras 84, 89 with effect from 1 April 2009.