HMRC - CTM94010 - CTSA: Exceptions

A company that delivers its company tax return after the filing date will not incur a penalty if:

you have allowed further time for it to deliver the return,

or

it delivers the return within the time allowed for delivery of related accounts to the Registrar of Companies - see CTM94110,

or

it delivers the return within the additional time allowed under ESC/B46 - see CTM94030 and CTM94160 onwards).

In addition, you (or the Commissioners) have the power to consider a claim that thereis a reasonable excuse for the late delivery of a return. When you accept a claim you donot charge a penalty (or you will discharge, on appeal, any penalty already charged).

There will not normally be any partial mitigation of a penalty charged underFA98/SCH18/PARAS 17 & 18 (formerly TMA70/S94). These penalties apply automatically once the company offends. The various amounts of penalty that can be charged are intended to take full account of the extent and the seriousness of the failure or delay. It follows that the penalty will be due in full or not due at all.

However, the Board has the power of mitigation under TMA70/S102. If, exceptionally, you believe that a plea of mitigation is worth consideration submit the case to Cross-Cutting Policy (Stockport Technical Unit).

Previous page

Next page