HMRC - CTM95080 - Corporation Tax Self-Assessment (CTSA): Assessments: Discovery: Information Available - Onus On Company

The onus is on the company to draw your attention to any important information that is relevant to its tax liability.

This is particularly true if there is some doubt as to the interpretation of that information. It is not sufficient for a company simply to provide the information if:

it is hidden away,

it is obscure, or

its relevance is unclear.

Unless it is reasonable to expect you to infer it, a company does not make information “available” under the last of these definitions unless it notifies both the existence and relevance of it.

Information is only “made available” under FA98/SCH18/PARA44 if “the company”, or someone acting on behalf of the company, makes it available.

You can, therefore, make a discovery assessment when someone other than the company on whom you are making the assessment makes the information available. For example, information relevant to the discovery may be:

in the return of another company in the same group, or

notified in writing by another company, or

provided during the course of an enquiry into the return of one of the company’s directors.

In these circumstances, you can make a discovery assessment because “the company” itself did not make the information available.

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