

## SCHEDULES

### SCHEDULE 2

#### RETURNS FOR DISPOSALS OF UK LAND ETC

#### PART 3

##### CONSEQUENTIAL AMENDMENTS

##### *Amendments of TMA 1970*

- 25 (1) TMA 1970 is amended as follows.
- (2) Omit section 7A (disregard of certain NRCGT gains for purposes of section 7).
  - (3) Omit sections 12ZA to 12ZN (NRCGT returns) and the italic heading before those sections.
  - (4) In section 28A (completion of enquiry into personal or trustee return)—
    - (a) in subsection (1), omit “or 12ZM”, and
    - (b) in the heading, omit “or NRCGT return”.
  - (5) Omit section 28G (determination of amount notionally chargeable where no NRCGT return delivered).
  - (6) In section 29 (assessment where loss of tax discovered), omit subsection (7)(a)(ia).
  - (7) Omit section 29A (non-resident CGT disposals: determination of amount which should have been assessed).
  - (8) In section 34 (ordinary time limit of 4 years), omit subsection (1A).
  - (9) In section 42 (procedure for making claims etc), in subsection (11)(a)—
    - (a) omit “12ZB”, and
    - (b) after “12AA of this Act” insert “or a return under Schedule 2 to the Finance Act 2019”.
  - (10) After section 59A insert—

**“59AZA Payments on account of capital gains tax: disposals of land etc**

For provision requiring payments to be made on account of capital gains tax, see Schedule 2 to the Finance Act 2019.”

- (11) Omit section 59AA (non-resident CGT disposals: payments on account of capital gains tax).
- (12) In section 59B (payment of income tax and capital gains tax: assessments other than simple assessments)—

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- (a) in subsection (1)(b), for “or 59AA of this Act” substitute “of this Act or under Schedule 2 to the Finance Act 2019”, and
  - (b) omit subsection (2A).
- (13) In section 59BA (payment of income tax and capital gains tax: simple assessments), in subsection (2)(b), for “or 59AA” substitute “of this Act or under Schedule 2 to the Finance Act 2019”.
- (14) In section 107A (relevant trustees), in subsection (2)(b)—
- (a) omit “, 59AA”, and
  - (b) after “59B of this Act” insert “or under Schedule 2 to the Finance Act 2019”.
- (15) In section 118 (interpretation), omit the definition of “NRCGT return”.
- (16) In Schedule 3ZA (date by which payment to be made after amendment or correction of self-assessment)—
- (a) in paragraph 1(1), omit “or an advance self-assessment (see section 12ZE(1))”,
  - (b) in paragraph 1(2), omit “59AA(2) or”,
  - (c) in paragraph 2(1), omit “or an amendment of an advance self-assessment under section 12K (amendment of NRCGT return by taxpayer)”,
  - (d) in paragraph 2(3), omit “or 12ZN(3)” and “or advance self-assessment”,
  - (e) in paragraph 3(1), omit “or 12ZL” and “or NRCGT return”, and
  - (f) in paragraph 5(1), omit “or advance self-assessment”.

*Amendments of other Acts*

- 26 (1) TCGA 1992 is amended as follows.
- (2) In section 222A (determination of main residence: disposals by non-residents)—
- (a) in subsection (6)(a), for “the NRCGT return” substitute “the return under Schedule 2 to the Finance Act 2019”, and
  - (b) in subsection (7)(a), for “an NRCGT return” substitute “a return under Schedule 2 to the Finance Act 2019”.
- (3) In section 223A (amount of relief: disposals by non-residents), in subsection (3)(b), for “the NRCGT return” substitute “the return under Schedule 2 to the Finance Act 2019”.
- 27 (1) Schedule 24 to FA 2007 (penalties for errors) is amended as follows.
- (2) In paragraph 1(4), in the entry relating to capital gains tax, in the second column, for “section 12ZB of TMA 1970 (NRCGT return)” substitute “Schedule 2 to FA 2019”.
- (3) In paragraph 21C, for “section 59AA(2) of TMA 1970 (non-resident CGT disposals: payments on account of capital gains tax)” substitute “Schedule 2 to FA 2019”.
- 28 (1) Schedule 36 to FA 2008 (information and inspection powers) is amended as follows.
- (2) For paragraph 21ZA and the italic heading before it substitute—

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*“Application of paragraph 21 in case of returns under Schedule 2 to FA 2019*

- 21ZA (1) For the purposes of paragraph 21 any reference to the making by a person of a return under section 8 or 8A of TMA 1970 includes the making by the person of a return under Schedule 2 to FA 2019.
- (2) In the application of paragraph 21 in relation to a return under Schedule 2 to FA 2019, the return is to be treated as if it required a self-assessment of an amount of capital gains tax.
- (3) For the purposes of paragraph 21, the definition of “the notice of enquiry” in its application to a return under Schedule 2 to FA 2019 needs to be read in the light of the provision made by paragraph 20 of that Schedule.”
- 29 (1) Schedule 55 to FA 2009 (penalty for failure to make returns etc) is amended as follows.
- (2) In the table in paragraph 1(5), in item 2A, in the third column, for “NRCGT return under section 12ZB of TMA 1970” substitute “Return under Schedule 2 to FA 2019 (other than one made under paragraph 9 or 15 of that Schedule)”.
- (3) Schedule 55 to FA 2009, as amended by this paragraph, is taken to have come into force for the purposes of returns under this Schedule on the day on which this Act is passed.
- 30 (1) Schedule 56 to FA 2009 (penalty for failure to make payments on time) is amended as follows.
- (2) In paragraph 1, in the Table, after item 3A insert—
- |     |                   |  |   |
|-----|-------------------|--|---|
| “3B | Capital gains tax | Amount payable under paragraph 6 of Schedule 2 to FA 2019 where not included in a return under section 8 or 8A of TMA 1970 | The date falling 30 days after 31 January in the tax year following the one in which the disposal was made” |
|-----|-------------------|--|---|
- (3) In paragraph 3(1)(a), after “3” insert “, 3B”.
- (4) In paragraph 5(3) of Schedule 11 to F(No.3)A 2010 (which amends paragraph 3(1)(a) of Schedule 56 to FA 2009), after “3” insert (in both places) “3B”.
- (5) Schedule 56 to FA 2009, as amended by this paragraph, is taken to have come into force for the purposes of returns under this Schedule on the day on which this Act is passed.

*Late payment interest*

- 31 So far as relating to amounts that are payable (or repayable) as a result of a requirement under this Schedule, sections 101 to 103 of FA 2009 (late payment interest on sums due to HMRC etc) come into force on 6 April 2019.

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*Commencement*

- 32 (1) The amendments made by this Part of this Schedule have effect in relation to disposals made on or after 6 April 2019.
- (2) But section 12ZG of TMA 1970 (cases where advance self-assessment not required) continues to have effect in relation to disposals made on or after that date but before 6 April 2020; and that section has effect in relation to those disposals—
- (a) as if references to an NRCGT return were to a return under this Schedule, and
  - (b) as if references to section 12ZE(1) of TMA 1970 were to paragraph 6 of this Schedule.