

Changes to legislation: Finance Act 2003, Paragraph 3 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 11A

STAMP DUTY LAND TAX: CLAIMS NOT INCLUDED IN RETURNS

Textual Amendments

F1 Sch. 11A inserted (22.7.2004) by Finance Act 2004 (c. 12), Sch. 40

Modifications etc. (not altering text)

C1 Sch. 11A applied (17.7.2013) by Finance Act 2013 (c. 29), s. 210(6)(e)

C1 Sch. 11A applied (17.7.2013) by Finance Act 2013 (c. 29), Sch. 33 para. 28(2)

C1 Sch. 11A applied (17.7.2013) by Finance Act 2013 (c. 29), Sch. 33 para. 31(3)

Duty to keep and preserve records

- 3 (1) A person who may wish to make a claim must—
- (a) keep such records as may be needed to enable him to make a correct and complete claim, and
 - (b) preserve those records in accordance with this paragraph.
- (2) The records must be preserved until the latest of the following times—
- (a) the end of the period of twelve months beginning with day on which the claim was made;
 - (b) where there is an enquiry into the claim, or into an amendment of the claim, the time when the enquiry is completed;
 - (c) where the claim is amended and there is there is no enquiry into the amendment, the time when the Inland Revenue no longer have power to enquire into the amendment.

^{F2}(3)

^{F2}(4)

[The Commissioners for Her Majesty's Revenue and Customs may by regulations—

- ^{F3}(4A) (a) provide that the records required to be kept and preserved under this paragraph include, or do not include, records specified in the regulations, and
- (b) provide that those records include supporting documents so specified.

(4B) Regulations under this paragraph may make provision by reference to things specified in a notice published by the Commissioners for Her Majesty's Revenue and Customs in accordance with the regulations (and not withdrawn by a subsequent notice).

(4C) Supporting documents” includes accounts, books, deeds, contracts, vouchers and receipts.]

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- (5) A person who fails to comply with this paragraph in relation to a claim that he makes is liable to a penalty not exceeding £3,000, subject to the following exception.
- (6) No penalty is incurred if the Inland Revenue are satisfied that any facts that they reasonably require to be proved, and that would have been proved by the records, are proved by other documentary evidence provided to them.]

Textual Amendments

- F2** Sch. 11A para. 3(3)(4) omitted (1.4.2010) by virtue of [Finance Act 2009 \(c. 10\)](#), s. 98(2), [Sch. 50 para. 13\(2\)](#); [S.I. 2010/815](#), art. 2
- F3** Sch. 11A para. 3(4A)-(4C) inserted (1.4.2010) by [Finance Act 2009 \(c. 10\)](#), s. 98(2), [Sch. 50 para. 13\(3\)](#); [S.I. 2010/815](#), art. 2

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 57(3) inserted by [2011 c. 11 Sch. 22 para. 4](#)
- s. 87(3)(a)(ia) inserted by [S.I. 2003/2760 Sch. para. 3\(4\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting S.I. is revoked and superseded by [S.I. 2003/2816](#))
- Sch. 12 para. 3(2)(aa) inserted by [2007 asp 3 Sch. 5 para. 32](#) (This effect was superseded by the repeal of Sch. 12 para. 3 by Finance Act 2008 (c. 9), s. 129(4), Sch. 43 para. 16)
- Sch. 12 para. 1A inserted by [2007 c. 15 Sch. 13 para. 147\(2\)](#) (The amending provision was repealed before coming into force.)
- Sch. 12 para. 1A omitted by [2008 c. 9 Sch. 43 para. 9](#) (The amending provision was repealed before coming into force.)