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STATUTORY INSTRUMENTS

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**1998 No. 3175**

**The Corporation Tax (Instalment Payments) Regulations 1998**

**Repayment of amounts in respect of a large company's total liability for an accounting period**

- 6.—(1) This regulation applies where a large company—
- (a) has paid an amount or amounts by way of instalments in respect of its total liability for an accounting period in accordance with regulation 5, and
  - (b) subsequently has grounds for believing that, by reason of a change in the circumstances of the company since the payment or payments were made—
    - (i) the amount of its total liability for that period is likely to be less than previously calculated, and
    - (ii) the aggregate amount so paid exceeds the aggregate amount (“the revised aggregate amount”) that would have been treated as becoming due and payable by the relevant date having regard to the revised calculation of that liability.
- (2) The company may, by notice given to an officer of the Board, make a claim to an officer of the Board for the repayment of so much of the aggregate amount so paid as in the company's view exceeds the revised aggregate amount.
- (3) The notice under paragraph (2) must state—
- (a) the amount which the company considers should be repaid, and
  - (b) the grounds referred to in paragraph (1)(b).
- (4) If the company has appealed against an amendment of an assessment, or an assessment, in respect of the amount of its total liability for the accounting period concerned, and the appeal has not been finally determined, it may apply to the Commissioners to whom the appeal stands referred for a determination of the amount which should be repaid to the company pending determination of the amount of its total liability for that accounting period.
- (5) Any claim under paragraph (2) or application under paragraph (4) shall be heard and determined in the same way as an appeal.
- (6) If the company makes an application under section 55(3)(1) or (4) of the Management Act (application to postpone payment pending determination of appeal), that application may be combined with an application under paragraph (4).
- (7) In paragraph (1)(b) “the relevant date” means the date on which a claim under paragraph (2) is made.
- (8) Section 59DA of the Management Act (claim for repayment in advance of liability being established) shall not apply in any case where this regulation applies.