

Examples of what we may agree as a reasonable excuse

You did not receive the Tax Return

We usually know when a Tax Return has not been received, because it is sent back as undelivered. We then reissue it to a later address. Where we are satisfied that you did not receive the Tax Return, we would of course agree this is a good reason for not sending it back in time.

Your Tax Return was lost or delayed in the post

If you posted your Tax Return to us in good time, but an unforeseen event disrupted the normal postal service.

For example

- fire or flood at the Post Office
- prolonged industrial action within the Post Office.

Loss of tax records

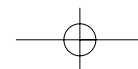
Loss of tax records through fire, flood or theft, in circumstances in which the information could not be replaced in time to meet the deadline. We may need to see evidence of this.

Serious illness

The illness must be so serious that it prevented you from controlling your business and private affairs immediately before the due date, and up to the time you sent us the Tax Return.

We would agree coma, major heart attack, stroke or any other serious mental or life-threatening illness as a reasonable excuse.

Where illness involves a lengthy stay in hospital or convalescence we would normally expect you to have made arrangements for dealing with your Tax Return. We accept there may be cases where this was not possible.



Serious illness of close relative or domestic partner

We would only agree this if

- the situation took up a great deal of your time and attention during the period from the due date to the date you sent us the Tax Return, and
- you had already taken the necessary steps to have your Tax Return ready on time.

Bereavement

Naturally we would agree the death of a close relative or domestic partner shortly before the due date as a reasonable excuse, as long as you had already taken the necessary steps to have your Tax Return ready on time.

Examples of what we would not agree as a reasonable excuse

Tax Return too difficult to complete

We would not agree this as a reasonable excuse. If you have difficulties you should seek help from us or a tax adviser at an early date.

Pressure of work

We give ample notice of the due date, to enable you to arrange matters to deal with the Tax Return on time.

Failure by agent or tax adviser

We would not normally agree this. It is your responsibility to have your Tax Return ready on time.

Lack of information

We would not normally agree this. If you cannot obtain certain details you should enter an estimate on your Tax Return, with an explanation of why the figure has been estimated. See your *Tax Return Guide*.

We did not remind you

We normally issue a reminder shortly before the first penalty becomes due. But even if you did not receive the reminder we would not regard this as a reasonable excuse. The deadline is clearly shown on the Tax Return.



Self Assessment

Penalty for a late Tax Return



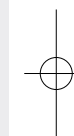
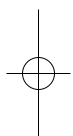
The enclosed penalty notice

The enclosed form SA326 gives details of the penalty now imposed because we did not receive your Tax Return by the due date.

- Please read the penalty notice. If there is anything you do not understand, please ask us.
- **If you have not already done so, send your completed Tax Return now to avoid further penalties.**
- We are sending a copy of the penalty notice to your tax adviser, if you have one.

This leaflet

Use this leaflet if you wish to **appeal** against the penalty. It explains the grounds on which you may be able to appeal, tells you how to appeal and includes an **appeal form**.



Appeals against this penalty

You can appeal if you think you have a **reasonable excuse** for not sending your Tax Return back in time.

The law does not say what is a **reasonable excuse**, and we consider each case on its own facts. This leaflet explains, in general terms, how we do this. We take a strict view but, if you do not agree, you can appeal to the Appeal Commissioners.

How to appeal

- If you intend to appeal you must do this within 30 days of the date of the penalty notice.
- Use the appeal form in this leaflet, or send us a letter setting out your reason(s) for appealing against the penalty. Send your appeal to the office shown on the front of the penalty notice.
- Give us full details, including the dates of events. We normally expect you to have sent your Tax Return back within 14 days after a reasonable excuse period has ended. So if your Return is still outstanding, send it now.
- If your reasonable excuse is continuing, we cannot fully consider your appeal until we have your Tax Return.

How appeals are dealt with

If we **agree** your excuse, we will write and tell you so. We will cancel the penalty and send you a further *Self Assessment Statement*.

If we do **not agree** you have a reasonable excuse we will explain why and ask if you accept this. If you still think you have a good reason, your appeal will be considered by the **Appeal Commissioners**, who are an independent tribunal. At the 'appeal hearing' meeting, the Commissioners listen to the arguments of both sides and decide if you have a reasonable excuse.

Normally appeals are considered by the General Commissioners, but you can choose to have the appeal considered by the Special Commissioners.

For details about the Appeal Commissioners, ask for the DCA leaflet *Tax Appeals. A guide to appealing against decisions of HM Revenue & Customs* available from our website.

What is a reasonable excuse for not meeting the deadline?

It is your responsibility to gather all the information needed to complete your Tax Return. We allow ample time for this, and give ample notice of the date when the Return is due.

In our view you have a reasonable excuse where an **exceptional event beyond your control** has prevented you from sending us your completed Tax Return by the deadline.

We are unlikely to agree you were prevented from sending us your Tax Return if during the exceptional event you were able to manage the rest of your private and business affairs.

See overleaf for examples of what we would and would not accept as a 'reasonable excuse'.

Can the amount of the penalty change?

Automatic penalties for the tax year may not exceed the amount of tax, Student Loan and Class 4 National Insurance contributions payable at the due date. So we will automatically reduce the penalties after your Tax Return is received if the amount that would have been outstanding on the due date is less than the penalties. However, if the amount of tax and Class 4 National Insurance contributions payable is later increased, the penalty (or penalties) will also increase and interest will be charged.

Further help

If you need further help

- You can get in touch with the HM Revenue & Customs office shown on the penalty notice.
- Or you can call at or ring an Enquiry Centre during normal office hours. Look in the phone book for your nearest centre.
- For general advice when your HM Revenue & Customs office is closed you can call our Helpline on **0845 9000 444**.
- You can visit our website at **www.hmrc.gov.uk**

These notes are for your guidance only and reflect the position at the time of writing. They do not affect your right of appeal.



Late Tax Return penalties - notice of appeal

If you wish to appeal against the penalty, please fill in this form (in capitals) to give us the information we need to consider the matter.

If there is a hearing by the General Commissioners, please '✓' one of the boxes below.

I want to be heard by the Commissioners for the area where:

I live I work I have business premises

Please give the address to the box you have ticked above along with your name.

Full name	Tax Reference <small>from top right-hand corner of penalty notice</small>
Address	<input type="text"/>
	<small>include Employer Reference where shown</small>
Postcode	Date of penalty notice <input type="text"/> / <input type="text"/> / <input type="text"/>

I wish to appeal against the penalty of £ for the year ended 5 April

Please give the reason for your appeal

Tax Return lost in the post - I enclose a copy of the Return Serious illness of taxpayer, or a close relative or domestic partner Other *please specify*

Tax Return delayed in the post Bereavement

<i>and say when and what happened</i>	<i>Date</i>
<input type="text"/>	<input type="text"/>

continue overleaf if necessary

Signature of taxpayer or adviser	Agent's name and address <small>if appropriate</small>
<input type="text"/>	Full name
Date	Address
<input type="text"/>	<input type="text"/>
Daytime telephone number	Postcode
<input type="text"/>	<input type="text"/>