



# Corporation Tax Act 2010

## 2010 CHAPTER 4

### PART 22

#### MISCELLANEOUS PROVISIONS

### CHAPTER 8

#### EXEMPTIONS

#### *Health service bodies*

#### **985 Health service bodies**

- (1) A health service body is not liable to corporation tax.
- (2) Subsection (1) is subject to any order made under section 987.
- (3) See section 986 for the meaning of “health service body”.

#### **986 Meaning of “health service body”**

In section 985 “health service body” means a body mentioned in the following table—

| <i>Body</i>  | <i>Provision under which body established</i>                 |
|--|---|
| F1   | F1  |
| ...  | ...   |
| the Common Services Agency for the Scottish Health Service | section 10 of the National Health Service (Scotland) Act 1978 |
| F2   | F2  |
| ...  | ...   |

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*Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Cross Heading: Health service bodies. (See end of Document for details)*

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|   |  |
|---|--|
| a Health and Social Care trust  | Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1))                   |
| a Health Board  | section 2(1)(a) of the National Health Service (Scotland) Act 1978   |
| [ <sup>F3</sup> an integrated care board                                    | section 14Z25 of the National Health Service Act 2006]   |
| <sup>F4</sup>   | <sup>F4</sup>  |
| ...   | ...  |
| a Local Health Board  | section 11 of the National Health Service (Wales) Act 2006   |
| a National Health Service trust   | section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006               |
| an NHS foundation trust   | section 30 of the National Health Service Act 2006   |
| <sup>F5</sup>   | <sup>F5</sup>  |
| ...   | ...  |
| a Primary Care Trust  | section 18 of the National Health Service Act 2006   |
| [ <sup>F6</sup> the Regional Agency for Public Health and Social Well-being | section 12(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009   |
| the Regional Business Services Organisation                                 | section 14(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009]  |
| the Scottish Dental Practice Board  | section 4 of the National Health Service (Scotland) Act 1978   |
| a special health and social services agency                                 | Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 (S.I. 1990/247 (N.I. 3)) |
| a Special Health Authority  | section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006               |
| a Special Health Board  | section 2(1)(b) of the National Health Service (Scotland) Act 1978   |
| a Strategic Health Authority  | section 13 of the National Health Service Act 2006   |
| [ <sup>F7</sup> [ <sup>F8</sup> NHS England]                                | section 1H of the National Health Service Act 2006]  |
| [ <sup>F7</sup> National Institute for Health and Care Excellence           | section 232 of the Health and Social Care Act 2012]  |

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#### Textual Amendments

**F1** Words in s. 986 omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 172\(a\)](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

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- F2** Words in s. 986 omitted (30.11.2022) by virtue of The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **11(a)**
- F3** Words in s. 986 inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 172(b)**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F4** Words in s. 986 omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 15** (with reg. 3)
- F5** Words in s. 986 omitted (30.11.2022) by virtue of The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **11(b)**
- F6** Words in s. 986 inserted (30.11.2022) by The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **11(c)**
- F7** Words in s. 986 inserted (17.7.2013) by Finance Act 2013 (c. 29), **s. 37**
- F8** Words in s. 986 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 13**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

## **987 NHS foundation trusts**

- (1) The Treasury may by order provide that an NHS foundation trust (see the table in section 986) is liable to corporation tax in relation to a specified activity or class of activity.
- (2) The Treasury may make an order under subsection (1) only—
  - (a) in relation to an activity or class of activity that appears to the Treasury to be of a commercial nature, and
  - (b) if the condition in subsection (3) is met.
- (3) The condition is that the making of an order appears to the Treasury to be expedient for the purpose of avoiding, removing or reducing differences between—
  - (a) the tax treatment of the body undertaking the activity, and
  - (b) the tax treatment of another body or class of body which is of a commercial nature and which undertakes or might undertake the same or a similar activity.
- (4) For the purposes of subsection (2)(a) an activity authorised under section 43(1) of the National Health Service Act 2006 is not to be treated as an activity of a commercial nature.
- (5) An order under subsection (1) must make provision for determining the amount of the profits relating to an activity that are to be charged to corporation tax as a result of the order.
- (6) An order under subsection (1) may in particular—
  - (a) make provision for disregarding profits of less than a specified amount in respect of a relevant period,
  - (b) make provision for disregarding a specified part of profits in respect of a relevant period, or
  - (c) make provision for disregarding all or part of profits relating to activity for which receipts or turnover (as defined by the order) are less than a specified amount in respect of a relevant period.
- (7) “Relevant period” means—
  - (a) a financial year or accounting period, or
  - (b) a specified part of a financial year or accounting period.

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**Changes to legislation:** *There are currently no known outstanding effects for the Corporation Tax Act 2010, Cross Heading: Health service bodies. (See end of Document for details)*

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- (8) An order under subsection (1)—
- (a) may apply, with or without modification, a provision of the Tax Acts,
  - (b) may disapply a provision of the Tax Acts,
  - (c) may make provision similar to a provision of the Tax Acts, and
  - (d) may make provision generally or in relation to a specified body or class of bodies.
- (9) No order may be made under subsection (1) unless a draft of the statutory instrument containing it has been laid before and approved by a resolution of the House of Commons.

**Changes to legislation:**

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Heading: Health service bodies.