



Capital Allowances Act 2001

2001 CHAPTER 2

PART 2

PLANT AND MACHINERY ALLOWANCES

[^{F1}CHAPTER 16B

CAP ON FIRST-YEAR ALLOWANCES^{F1}...

[^{F1}212T Cap on first-year allowances: zero-emission goods vehicles

- (1) A section 45DA allowance is not available in respect of expenditure (“the current expenditure”) incurred by a person (“the investor”)—
 - (a) if section 45DA allowances have previously been made in respect of undertaking expenditure of 85 million euros, or
 - (b) (where paragraph (a) does not apply) if, and to the extent that, the aggregate of—
 - (i) the undertaking expenditure in respect of which section 45DA allowances have previously been made, and
 - (ii) the current expenditure, exceeds 85 million euros.
- (2) “Undertaking expenditure” means—
 - (a) expenditure incurred by the investor,
 - (b) if the investor is a partnership, expenditure incurred (at any time) by a person who is a partner enterprise forming part of the investor at the time the current expenditure is incurred, and
 - (c) if the investor and one or more other persons together form, or have at any time formed, an undertaking, expenditure which is—
 - (i) incurred by that undertaking, or
 - (ii) incurred by any of those other persons at a relevant time.

Changes to legislation: There are currently no known outstanding effects for the Capital Allowances Act 2001, Section 212T. (See end of Document for details)

- (3) Expenditure is incurred by a person at a “relevant time” if it is incurred—
- (a) at a time when the investor and the person are part of the same undertaking, or
 - (b) at a time before the investor and the person became part of the same undertaking (or, if they became part of the same undertaking on more than one occasion, before the last time).
- (4) For the purposes of subsection (1), expenditure incurred in a currency other than the euro is to be converted into its equivalent in euros using the spot rate of exchange for the day on which the expenditure is incurred.
- (5) The Treasury may by regulations increase the amount specified in subsection (1)(a) and (b).
- (6) In this section—
- “section 45DA allowance” means a first-year allowance in respect of expenditure that is first-year qualifying expenditure under section 45DA;
- “undertaking” means—
- (a) an autonomous enterprise, or
 - (b) an enterprise (not within paragraph (a)) and its partner enterprises (if any) and its linked enterprises (if any),
- and “enterprise”, “autonomous enterprise”, “partner enterprise” and “linked enterprise” have the meaning given by Annex 1 to the Commission Regulation [^{F2}(EU) No 651/2014] (General block exemption Regulation)] [^{F3}as it had effect in the United Kingdom immediately before IP completion day].

Textual Amendments

- F1** Pt. 2 Ch. 16B inserted (with effect in accordance with Sch. 7 para. 7 of the amending Act) by [Finance \(No. 3\) Act 2010 \(c. 33\)](#), [Sch. 7 para. 6](#)
- F2** Words in s. 212T(6) substituted (with effect in accordance with Sch. 13 para. 8 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 13 para. 6](#)
- F3** Words in s. 212T(6) inserted (31.12.2020) by [The Taxes \(State Aid\) \(Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1499\)](#), regs. 1, [3\(4\)](#)

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