

SCHEDULES

SCHEDULE 21

Section 69.

CAPITAL ALLOWANCES: MINOR AMENDMENTS

Thermal insulation of industrial buildings

- 1 In section 28(2) of the Capital Allowances Act 2001 (c. 2) (expenditure on thermal insulation of industrial buildings), after “ordinary Schedule A business” insert “or an overseas property business”.

Fixtures: purchasers of land and incoming lessees

- 2 (1) In section 181 of that Act (purchaser of land giving consideration for fixture), for subsection (2) substitute—
- “(2) Subsection (1) does not apply, and is to be treated as never having applied, if, immediately after the time of the acquisition, a person has a prior right in relation to the fixture.”.
- (2) In section 181(3) of that Act—
- (a) for “subsection (2)(b), the person holding the other interest” substitute “subsection (2), a person”; and
- (b) for “subsection (2)(a)” substitute “subsection (2)”.
- (3) In section 182 of that Act (purchaser of land discharging obligations of equipment lessee), for subsections (2) and (3) substitute—
- “(2) Subsection (1) does not apply, and is to be treated as never having applied, if, immediately after the time of the acquisition, a person has a prior right in relation to the fixture.
- (3) Section 181(3) (test for whether person has a prior right) applies for the purposes of subsection (2).”.
- (4) In section 184 of that Act (incoming lessee where lessor not entitled to allowances), for subsections (2) and (3) substitute—
- “(2) Subsection (1) does not apply, and is to be treated as never having applied, if, immediately after the time when the lease is granted, a person has a prior right in relation to the fixture.
- (3) Section 181(3) (test for whether person has a prior right) applies for the purposes of subsection (2).”.

Status: This is the original version (as it was originally enacted).

Meaning of “sale and finance leaseback”

- 3 In section 221(1) of that Act (meaning of “sale and finance leaseback”), in paragraph (b)(iii), for “any person” substitute “S or by a person (other than B) who is connected with S”.

Effect of partnership changes

- 4 (1) In section 263 of that Act (effect of partnership changes for the purpose of plant and machinery allowances), in subsection (1), for paragraph (c) substitute—
- “(c) the change does not result in the qualifying activity being treated as permanently discontinued under section 113(1) or 337(1) of ICTA (changes in persons carrying on a trade etc. and effect of company ceasing to trade etc.).”
- (2) In section 558 of that Act (effect of partnership changes for the purpose of other allowances), in subsection (1), for paragraph (c) substitute—
- “(c) the change does not result in the relevant activity being treated as permanently discontinued under section 113(1) or 337(1) of ICTA (changes in persons carrying on a trade etc. and effect of company ceasing to trade etc.).”

Enterprise zones

- 5 In section 298(3) of that Act (meaning of “enterprise zone”), after “Secretary of State” insert “, the Scottish Ministers or the National Assembly for Wales,”.

Highway concessions

- 6 (1) In section 341(4) of that Act (meaning of “highway concession”), for “the Secretary of State or from the Department for Regional Development in Northern Ireland” substitute “the relevant authority”.
- (2) After that subsection add—
- “(5) In subsection (4) “the relevant authority” means—
- (a) the Secretary of State,
 - (b) the Scottish Ministers,
 - (c) the National Assembly for Wales, or
 - (d) the Department for Regional Development in Northern Ireland.”