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SCHEDULES

SCHEDULE 7

Section 38

INSURANCE BUSINESS: GROSS ROLL-UP BUSINESS ETC

PART 1

AMENDMENTS

	Taxes Management Act 1970 (c. 9)				
1	In section 98 of TMA 1970 (special returns etc), in the Table, omit the entries relating to section 333B of ICTA.				
	Income and Corporation Taxes Act 1988 (c. 1)				
2 ICTA is amended as follows.					
F13					
Text F1	ual Amendments Sch. 7 para. 3 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)				
4	Omit section 333B (involvement of insurance companies with plans and accounts).				
5	In section 403E (relief for overseas losses of UK resident companies), om subsection (3).				
^{F2} 6					
	ual Amendments				
F2	Sch. 7 para. 6 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)				
7	In section 431A(3)(a) (power to amend), omit "and Schedule 19AA".				
F ³ 8					
Text F3	ual Amendments Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)				
F39					

Text	ual Amendments
F3	Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
^{F3} 10	
Toyt	ual Amendments
F3	Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
^{F3} 11	
Text	ual Amendments
F3	Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
^{F3} 12	
Text	ual Amendments
F3	Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
^{F3} 13	
T4	
F3	ual Amendments Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
^{F3} 14	
Text	ual Amendments
F3	Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
15	In section 432AB (losses from Schedule A business or overseas property business), omit subsection (6).
^{F4} 16	
F4	wal Amendments Sch. 7 para. 16 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
^{F5} 17	
Text	ual Amendments Sch. 7 para. 17 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

Finance Act 2007 (c. 11) SCHEDULE 7 – Insurance business: gross roll-up business etc

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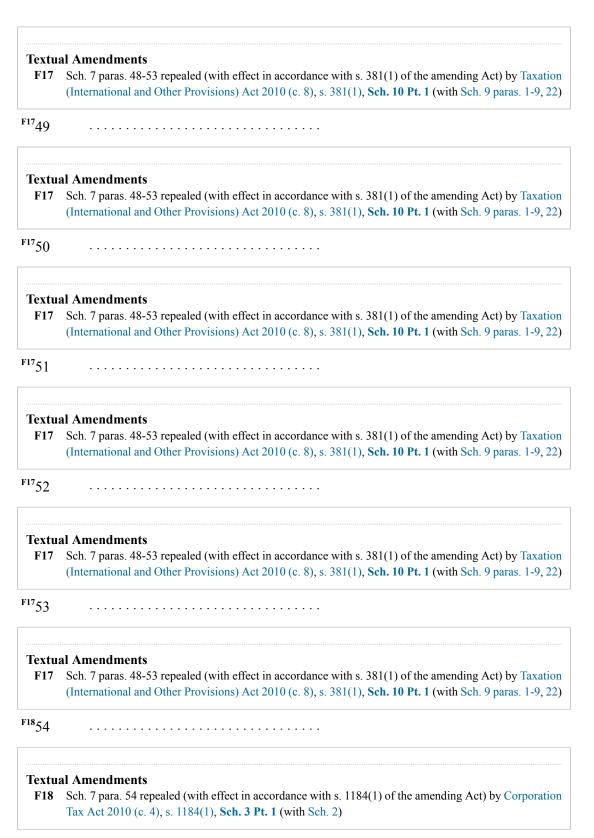
18	Omit section 432D (section 432B apportionment: value of non-participating funds).					
^{F6} 19						
Text	ual Amendments					
F6	Sch. 7 para. 19 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)					
20	In section 432F(2) (section 432B apportionment: supplementary provisions)—					
	(a) omit "For each category of business in relation to which section 432E fall to be applied", and					
	(b) omit ", after making any reduction required by section 432E(5),".					
^{F7} 21						
T4						
F7	ual Amendments Sch. 7 paras. 21-23 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)					
^{F7} 22						
F7	ual Amendments Sch. 7 paras. 21-23 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)					
^{F7} 23						
T4						
F7	ual Amendments Sch. 7 paras. 21-23 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)					
24	Omit section 436 (pension business: separate charge on profits).					
F825						
	ual Amendments Sch. 7 para. 25 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)					
F8	Sch. / para. 23 offitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)					
^{F9} 26						
Text F9	ual Amendments Sch. 7 para. 26 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)					
27	Omit section 438B (income or gains arising from property investment LLP).					
28	Omit section 438C (determination of policy holders' share for purposes of s.438B)					
29	Omit section 439 (restricted government securities).					
30	Omit section 439B (life reinsurance business: separate charge on profits).					

F1031	
Textu	nal Amendments
F10	Sch. 7 paras. 31-33 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
F1032	
Textu F10	al Amendments Sch. 7 paras. 31-33 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
F1033	
Textu F10	al Amendments Sch. 7 paras. 31-33 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
34	Omit section 441 (overseas life assurance business).
F1135	
Textu F11	al Amendments Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
F1136	
Textu F11	ral Amendments Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
F1137	
Textu F11	ral Amendments Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
F1138	
Tovt	nal Amendments
F11	Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)
39	Omit sections 458 and 458A (capital redemption business).
F1240	

Finance Act 2007 (c. 11) SCHEDULE 7 – Insurance business: gross roll-up business etc

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Textual Amendments F12 Sch. 7 para. 40 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 18 para. 23(e)(ii)				
41	In section 461 (registered friendly societies: other business), omit subsection (3A).			
42	In section 461B (incorporated friendly societies), omit subsection (2A).			
F1343				
Textu F13	al Amendments Sch. 7 para. 43 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 18 para. 23(e)(ii)			
^{F14} 44				
Textu F14	al Amendments Sch. 7 para. 44 omitted (with effect in accordance with Sch. 17 para. 17(12) of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 17 para. 17(11)(g)			
F1545				
Textu F15	al Amendments Sch. 7 para. 45 omitted (with effect in accordance with Sch. 14 para. 18 of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 14 para. 17(p)			
F1646				
Textu F16	al Amendments Sch. 7 para. 46 omitted (with effect in accordance with Sch. 14 para. 18 of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 14 para. 17(p)			
47	(1) Section 755A (treatment of chargeable profits and creditable tax apportioned to company carrying on life assurance business) is amended as follows.			
	(2) In subsection (4), for the words after "referable to" substitute "gross roll-up business carried on by the UK company."			
	(3) In subsection (6)(c), for "a category of business specified in paragraphs (a) to (c) of subsection (4) above" substitute "gross roll-up business".			
	(4) In subsection (13), for paragraphs (a) to (d) substitute— "(a) basic life assurance and general annuity business, or (ba) gross roll-up business,".			
F1748				



Finance Act 2007 (c. 11)

SCHEDULE 7 – Insurance business: gross roll-up business etc

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7

^{F19F20}56

Textual Amendments

- F19 Sch. 7 para. 56 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2)
- F20 Sch. 7 para. 56 omitted (with effect in accordance with Sch. 16 para. 6 of the amending Act) by virtue of Finance Act 2009 (c. 10), Sch. 16 para. 5(i) (with Sch. 16 paras. 78)

Finance Act 1989 (c. 26)

F2157

Textual Amendments

F21 Sch. 7 paras. 57-59 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F2158

Textual Amendments

F21 Sch. 7 paras. 57-59 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

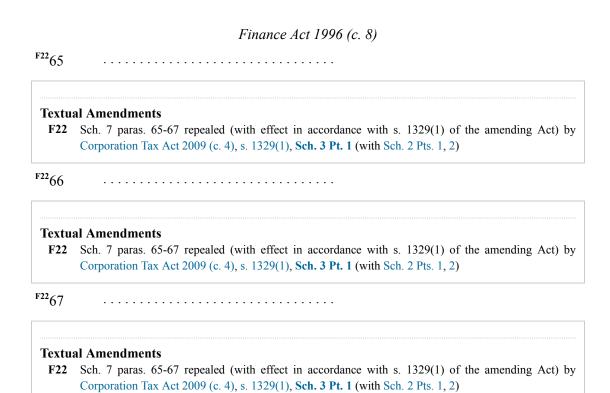
F2159

Textual Amendments

F21 Sch. 7 paras. 57-59 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

Taxation of Chargeable Gains Act 1992 (c. 12)

- TCGA 1992 is amended as follows.
- In section 204(10) (policies of insurance and non-deferred annuities)—
 - (a) for "as defined in section 458(3)" substitute " within the meaning of Chapter 1 of Part 12", and
 - (b) omit "other".
- In section 210B—
 - (a) omit paragraph (b) of subsection (6) and the word "or" before it, and
 - (b) in subsection (8) (disposal and acquisition of section 440A securities), in the definition of "chargeable section 440A holding", for "(2)(a)(iii)" substitute "(2)(a)(i)".
- In section 212(2) (annual deemed disposal of holdings of certain assets), for the words from "pension business" to the end substitute "gross roll-up business".
- In section 213(1A) (spreading of gains and losses under section 212), omit the words following "general annuity business".



Capital Allowances Act 2001 (c. 2)

- 68 CAA 2001 is amended as follows.
- 69 (1) Section 255 (apportionment of allowances and charges) is amended as follows.
 - (2) For subsections (1) and (1A) substitute—
 - "(1) Except where subsection (3) applies, any allowance to which the company is entitled, and any charge to which it is liable, for a chargeable period in respect of a management asset must be apportioned between basic life assurance and general annuity business, gross roll-up business and PHI business in accordance with subsections (1A) and (1B).
 - (1A) The allowance or charge is to be apportioned to a category of business using the formula—

$$A \times \frac{B}{C}$$

where-

A is the amount of the allowance or charge,

B is the mean of the opening and closing liabilities of that category of business, and

C is the mean of the opening and closing liabilities of all the categories of business mentioned in subsection (1) which are carried on by the company.

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- (1B) If C is nil or below nil, the allowance or charge to be apportioned to a category of business is such as is just and reasonable."
- (3) Omit subsection (2).
- (4) In subsection (3)—
 - (a) in paragraph (a), for "section 441 of ICTA in respect of its overseas life assurance business" substitute "section 436A of ICTA (gross roll-up business)", and
 - (b) in paragraph (b), for "provided outside the United Kingdom for use for the management of that business" substitute "held for the purposes of a permanent establishment outside the United Kingdom at or through which the company carries on gross roll-up business".
- 70 (1) Section 256 (different giving effect rules for different categories of business) is amended as follows.
 - (2) In subsection (3), for paragraphs (a) to (c) substitute "section 436A of ICTA (gross roll-up business)".
 - (3) In subsection (4)—
 - (a) for "profit" substitute "profits",
 - (b) in paragraph (a), for "any particular category of business" substitute "gross roll-up business" and for "that category of business" substitute "its gross roll-up business", and
 - (c) in paragraph (b), for "any particular category of business" substitute "gross roll-up business" and for "that category of business" substitute "its gross roll-up business".
- 71 (1) Section 545 (investment assets) is amended as follows.
 - (2) In subsection (3), in the second sentence, for "sections 432ZA to 432E, or section 438B," substitute "section 432A".
 - (3) In subsection (5)—
 - (a) for the words from "under—" to "no allowance" substitute " under section 436A of ICTA (gross roll-up business), no allowance", and
 - (b) for "the category of life assurance business in question" substitute "gross roll-up business".

	F_{i}	inance Act 20	01 (c. 9)
F2372	 		

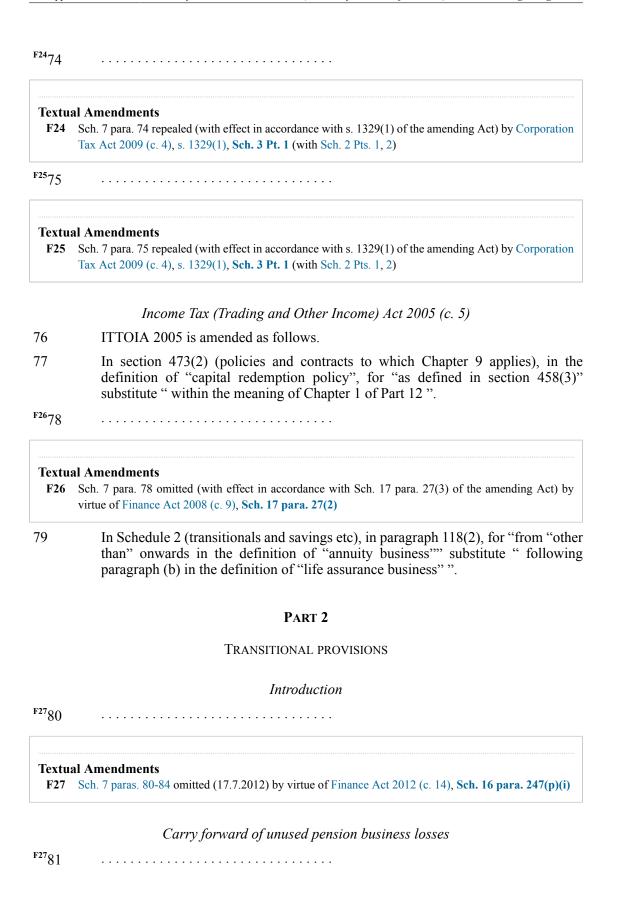
Textual Amendments

F23 Sch. 7 para. 72 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2)

Finance Act 2002 (c. 23)

FA 2002 is amended as follows.

SCHEDULE 7 – Insurance business: gross roll-up business etc Document Generated: 2024-04-14



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Textual Amendments

F27 Sch. 7 paras. 80-84 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i) Carry forward of unused non-pension business losses F2782 **Textual Amendments** F27 Sch. 7 paras. 80-84 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i) F2783 **Textual Amendments** F27 Sch. 7 paras. 80-84 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i) "Section 432F(2) excesses" F2784 **Textual Amendments**

F27 Sch. 7 paras. 80-84 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

[F²⁸]F²⁹Losses transferred under section 444AZA]

Textual Amendments

- Sch. 7 paras 85, 86 and cross-headings added (with effect in accordance with art. 1(5) of the amending S.I.) by The Insurance Business Transfer Schemes (Amendment of the Corporation Tax Acts) Order 2008 (S.I. 2008/381), arts. 1(1), 30
- Sch. 7 para. 85 cross-heading substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 725(3) (with Sch. 2 Pts. 1, 2)
- (1) This paragraph applies where a loss F30... is treated by virtue of section 444AZA of 85. ICTA as a loss of the transferee ^{F30}....
 - (2) Where any [F31 losses so treated] would (assuming the transferor had continued to carry on the business transferred after the transfer) have been losses to which paragraph 81(1) would have applied, the amount of such losses to be treated as [F32 losses of the transfereel in any period of account must not exceed-

$$GRBP \times \frac{PBTL}{GRBTL}$$

where—

"GRBP" has the same meaning as in section 444AZA(2) of ICTA,

"PBTL" is the mean of the opening and closing liabilities of the transferred pension business for the period of account, and

"GRBTL" is the mean of the opening and closing liabilities of the transferred gross roll-up business for the period of account.

Textual Amendments

- **F30** Words in Sch. 7 para. 85(1) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 725(2)(a), Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2)
- F31 Words in Sch. 7 para. 85(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 725(2)(b)(i) (with Sch. 2 Pts. 1, 2)
- F32 Words in Sch. 7 para. 85(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 725(2)(b)(ii) (with Sch. 2 Pts. 1, 2)

[F33Losses transferred under section 444AZB]

Textual Amendments

- F33 Sch. 7 para. 86 cross-heading substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 725(5) (with Sch. 2 Pts. 1, 2)
- 86 (1) This paragraph applies where section 444AZB of ICTA has effect in relation to a transferee and the circumstances specified in sub-paragraph (2) or (3) below apply.
 - (2) The circumstances are that—
 - (a) the profits of the life assurance business of the transferee for the period of account immediately preceding the first period of account beginning on or after 1st January 2007 were chargeable to tax in accordance with Case I of Schedule D by virtue of section 439A of ICTA, and
 - (b) in that period, the transferee carried on pension business.
 - (3) The circumstances are that—
 - (a) paragraph 29 of Schedule 8 applies in relation to the transferee, and
 - (b) the transferee has an unused pension business loss within the meaning given by paragraph 81(4).
 - (4) The appropriate fraction of any amount treated by virtue of section 444AZB(2) of ICTA as a loss of the transferee (a "[F34gross roll-up business] loss") available to be set off against profits chargeable under section 436A of ICTA is to be treated for the purposes of paragraph 81 as an unused pension business loss.
 - (5) The relevant fraction of any [F35 gross roll-up business] loss is to be treated for the purposes of paragraph 82 as an unused non-pension business loss.
 - (6) In this paragraph "the appropriate fraction", in relation to a period of account, is—

where-

SCHEDULE 7 – Insurance business: gross roll-up business etc

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"PBTL" is the mean of the opening and closing liabilities of the transferred pension business for the period of account, and

"TL" is the mean of the opening and closing liabilities of the transferred life assurance business for the period of account.

(7) In this paragraph the "the relevant fraction", in relation to a period of account, is—

NPBTL TL

where-

"NPBTL" is the mean of the opening and closing liabilities of the transferred gross roll-up business which is not pension business for the period of account, and

"TL" is the mean of the opening and closing liabilities of the transferred life assurance business for the period of account.]

Textual Amendments

- F34 Words in Sch. 7 para. 86(4) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 725(4) (with Sch. 2 Pts. 1, 2)
- Words in Sch. 7 para. 86(5) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 725(4) (with Sch. 2 Pts. 1, 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 993 modified by 2016 c. 24 s. 118(2)
- Sch. 24 para. 12(5)(za) inserted by 2015 c. 11 Sch. 20 para. 6(a)
- Sch. 24 para. 21A(A1) inserted by 2015 c. 11 Sch. 20 para. 7(2)
- Sch. 24 para. 4A(A1)(1) substituted for Sch. 24 para. 4A(1) by 2015 c. 11 Sch. 20 para. 3(2)