
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 16

CONTROLLED FOREIGN COMPANIES

PART 1

ABOLITION OF ACCEPTABLE DISTRIBUTION POLICY EXEMPTION

Consequential amendments

- 2 (1) ICTA is amended as follows.
- (2) Omit section 754A (returns where it is not established whether acceptable distribution policy applies).
- (3) In section 801 (dividends paid between related companies: relief for UK and third country taxes), omit subsections (2A)(aa), (2B), (6) and (7).
- (4) Omit section 801C (double taxation relief: separate streaming of dividend so far as representing an ADP dividend of a CFC).
- (5) In section 803A (foreign taxation of group as single entity), omit subsection (1A).
- (6) In Schedule 24 (assumptions for calculating chargeable profits, creditable tax and corresponding UK tax of foreign companies), omit—
- (a) in paragraph 1(3A), paragraph (b)(ii) (and the “and” before it) and the words “or which is an ADP exempt period” (in both places),
 - (b) paragraph 1(6),
 - (c) paragraph (b) of paragraph 2(1) (and the “or” before it),
 - (d) paragraph (b) of paragraph 4(1A) (and the “or” before it),
 - (e) paragraph 4(3A),
 - (f) in paragraph 9(1)(c), “, and is not to be assumed by virtue of paragraph 2(1)(b) above to have been resident,”, and
 - (g) paragraph (b) of paragraph 10(1) (and the “or” before it).
- 3 In paragraph 116 of Schedule 29 to FA 2002 (assumptions for calculating chargeable profits of CFCs in connection with intangible fixed assets), omit paragraph (b) of sub-paragraph (2) (and the “or” before it).
- 4 In section 870 of CTA 2009 (assumptions for calculating chargeable profits of CFCs in connection with intangible fixed assets), omit—
- (a) paragraph (b) of subsection (3) (and the “or” before it), and
 - (b) subsection (7).
- 5 In consequence of the amendments made by paragraphs 1 to 4, omit—
- (a) in FA 1990, section 67(3)(b) and (c),

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- (b) in FA 1994, section 134,
- (c) in FA 1996, in Schedule 36, paragraphs 3(3), (8) and (9) and 4(2) and (3)(b),
- (d) in FA 1998, in Schedule 17, paragraphs 10, 17(2) to (5) and 26 to 28,
- (e) in FA 1999, section 88,
- (f) in FA 2000, in Schedule 30, paragraph 13,
- (g) in FA 2001, section 82,
- (h) in FA 2005, sections 89 and 90,
- (i) in FA 2007, in Schedule 7, paragraph 56,
- (j) in FA 2008, section 64(4) and, in Schedule 17, paragraph 29, and
- (k) in this Act, section 57(4).

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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. 102(4)(za) inserted by [2010 c. 33 Sch. 9 para. 3\(3\)](#)
- Sch. 53 para. 2A-2D and cross-heading inserted by [2010 c. 33 Sch. 9 para. 7](#)
- Sch. 53 para. 6A and cross-heading inserted by [2010 c. 33 Sch. 9 para. 8](#)
- Sch. 53 para. 11A11B and cross-heading inserted by [2010 c. 33 Sch. 9 para. 17](#)
- Sch. 53 para. 14A and cross-heading inserted by [2010 c. 33 Sch. 9 para. 18](#)
- Sch. 54 para. 9B9C and cross-heading inserted by [2010 c. 33 Sch. 9 para. 11](#) (Sch. 54 para. 9B is amended before it comes into force by [2016 c. 24, Sch. 1 para. 66\(5\)](#))
- Sch. 54 para. 12A12B and cross-heading inserted by [2010 c. 33 Sch. 9 para. 19](#)
- Sch. 54 Pt. A1 inserted by [2010 c. 33 Sch. 9 para. 10](#) (Sch. 9 para. 10 is amended before it comes into force by [2017 c. 32, Sch. 4 para. 182](#))
- Sch. 55 para. 6(3A)(za) inserted by [2015 c. 11 Sch. 20 para. 15\(2\)\(a\)](#)
- Sch. 55 para. 6(4A)(za) inserted by [2015 c. 11 Sch. 20 para. 15\(3\)\(a\)](#)
- Sch. 55 para. 17(4)(ba) inserted by [2015 c. 11 Sch. 20 para. 19](#)
- Sch. 56 para. 3(1)(d) omitted by [2021 c. 26 Sch. 27 para. 40\(4\)\(c\)](#)