



Finance Act 2009

2009 CHAPTER 10

PART 2

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

Miscellaneous anti-avoidance provisions

70 Intangible fixed assets and goodwill

- (1) Part 8 of CTA 2009 (intangible fixed assets) is amended as follows.
- (2) In section 712(1) (meaning of “intangible asset”), insert at the end “ (and includes an internally-generated intangible asset) ”.
- (3) In section 715 (application of Part 8 to goodwill)—
 - (a) in subsection (3), insert at the end “(and includes internally-generated goodwill)”, and
 - (b) insert at the end—

“(4) For the purposes of this Part, goodwill is treated as created in the course of carrying on the business in question.”
- (4) In section 883 (assets treated as created or acquired when expenditure incurred)—
 - (a) in subsection (1), for paragraph (b) substitute—

“(b) has effect subject to the provisions specified in subsection (2).”
 - (b) in subsection (2)(a), omit “internally-generated”,
 - (c) in subsection (2)(b), for “certain other internally-generated assets” substitute “ assets representing non-qualifying expenditure ”, and
 - (d) in subsection (3), omit “to which this section applies”.
- (5) In section 884 (internally-generated goodwill: time of creation)—
 - (a) omit “internally-generated”,
 - (b) for the words from “before” to the end substitute “—

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- (a) before (and not on or after) 1 April 2002 in a case in which the business in question was carried on at any time before that date by the company or a related party, and
 - (b) on or after 1 April 2002 in any other case.”, and
 - (c) in the heading, omit “**Internally-generated**”.
- (6) In section 885 (certain other internally-generated assets: time of creation)—
 - (a) in subsection (1)(b), omit “internally-generated”,
 - (b) in subsection (7), for the words from “before” to the end substitute “—
 - (a) before (and not on or after) 1 April 2002 in a case in which the asset in question was held at any time before that date by the company or a related party, and
 - (b) on or after 1 April 2002 in any other case.”, and
 - (c) in the heading, for “**Certain other internally-generated assets**” substitute “**Assets representing non-qualifying expenditure**”.
- (7) The amendments made by this section have effect in relation to accounting periods beginning on or after 22 April 2009 (and, in relation to those accounting periods, are to be treated as always having had effect).
- (8) For the purposes of subsection (7) an accounting period beginning before, and ending on or after, 22 April 2009 is to be treated as if so much of the period as falls before that date, and so much of the period as falls on or after that date, were separate accounting periods.

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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\(4\)\(c\)](#)