Changes to legislation: Corporation Tax Act 2009, Part 17 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

TRANSITIONALS AND SAVINGS

PART 17

FILM PRODUCTION

Interpretation

The provisions of sections 1181 to 1187 apply for the purposes of this Part of this Schedule as if this Part were contained in Part 15 of this Act.

Chapters 2 and 3 of Part 15 to apply only to films that commence principal photography on or after 1 January 2007

- 128 Chapters 2 and 3 of Part 15 apply only in relation to films that commence principal photography on or after 1 January 2007 (but see paragraphs 130 and 131).
- The references in section 1206 to the functions of the Secretary of State under Schedule 1 to the Films Act 1985 (c. 21) are to those functions only so far as they are exercised in relation to films that commence principal photography on or after 1 January 2007 (but see paragraphs 130 and 131).

Application of Part 15 etc to films that commenced principal photography before 1 January 2007 but were not completed before that date

- 130 (1) The Treasury may make provision by regulations for the application of the provisions of—
 - (a) Part 15 or section 812 of this Act, and
 - (b) Chapter 3 of Part 3 of FA 2006 and any enactment amended by that Chapter, in relation to films that commenced principal photography before 1 January 2007 but were not completed before that date.
 - (2) The regulations may provide for such adaptations and modifications of—
 - (a) the provisions mentioned in sub-paragraph (1), and
 - (b) any other provision of the Corporation Tax Acts, as appear to the Treasury appropriate for that purpose.
 - (3) The regulations may—
 - (a) provide that the provisions of Part 15 or section 812 of this Act (or any specified provisions of that Part or section) or Chapter 3 of Part 3 of FA 2006 (or any specified provisions of that Chapter) have effect as if they had been in force at all material times,

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- (b) require or authorise the making or amendment of returns, or the making of assessments, in relation to past accounting periods or tax years (whenever beginning), and
- (c) authorise the making of any such return, amendment or assessment despite any limitation on the time within which a return, amendment or assessment may normally be made.
- (1) In accordance with Part 1 of this Schedule, the Corporation Tax (Taxation of Films) (Transitional Provisions) Regulations 2007 (S.I. 2007/1050) have effect as if made under paragraph 130 above.
 - (2) For that purpose they are amended as follows.
 - (3) In regulation 1(2) for "(films and sound recordings)" substitute " and Part 15 and section 812 of the Corporation Tax Act 2009 (film production)".
 - (4) Omit regulation 2.
 - (5) In regulation 3 for "Chapter 3 of Part 3" substitute "Part 15 and section 812 of the Corporation Tax Act 2009, Chapter 3 of Part 3 of the Finance Act 2006".
 - (6) In regulation 4 for "section 32" substitute "section 1182 of the Corporation Tax Act 2009" (and make a corresponding change in the heading for regulation 4).
 - (7) In regulation 5 for "section 40" substitute "section 1197 of the Corporation Tax Act 2009" (and make a corresponding change in the heading for regulation 5).
 - (8) In regulation 6(1) after "section 46" insert " of the Finance Act 2006" (and make a corresponding change in the heading for regulation 6).
 - (9) In regulation 7(1) after "section 47" insert " of the Finance Act 2006" (and make a corresponding change in the heading for regulation 7).
 - (10) For regulation 8 substitute—

Modification of section 812 of the Corporation Tax Act 2009 (intangible fixed assets: films)

- "8 In section 812(1) of the Corporation Tax Act 2009—
 - (a) in paragraph (a) for "that began principal photography before 1st January 2007" substitute " to which Chapter 2 of Part 15 of the Corporation Tax Act 2009 does not apply", and
 - (b) in paragraph (b) for "1st October 2007" substitute "31st March 2008".
- (11) For regulation 9 substitute—

Modification of section 1188 of the Corporation Tax Act 2009 (taxation of activities of film production company)

- "9 In section 1188(1) of the Corporation Tax Act 2009 (taxation of activities of film production company) after "a film" insert "if the film—
 - (a) is certified by the Secretary of State under Schedule 1 to the Films Act 1985 as a British film for the purposes of film tax relief, and

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- (b) is intended for theatrical release at the time principal photography commences""
- (12) In regulation 10(1) after "Schedule 5" insert " to the Finance Act 2006" (and make a corresponding change in the heading for regulation 10).
- (13) Omit regulation 10(2).
- (14) In regulation 10(5) for the words after "sections 46 and 47" substitute " of the Finance Act 2006 (films: withdrawal of existing reliefs) and section 1188(1) of the Corporation Tax Act 2009 (taxation of activities of film production company)".
- (15) In regulation 13(1)—
 - (a) for "Chapter 3 of Part 3" substitute "Part 15 or section 812 of the Corporation Tax Act 2009, of Chapter 3 of Part 3 of the Finance Act 2006", and
 - (b) for "whether before or after the commencement of that Chapter" substitute "whenever beginning".

Prohibition on double counting

- 132 (1) Expenditure is not to be taken into account for the purposes of Chapter 2 of Part 15 if relief has been given in respect of it under—
 - (a) section 40B, 41 or 42 of F(No.2)A 1992,
 - (b) section 48 of F(No.2)A 1997, or
 - (c) section 135, 136 to 138A or 139 to 142 of ITTOIA 2005.
 - (2) For the purposes of paragraph 130 and any regulations made under that paragraph, sub-paragraph (1) of this paragraph is treated as if contained in Part 15.

Changes to legislation:

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

Blanket amendment words substituted by S.I. 2011/1043 art. 34

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

- s. 322(2A)(zb) inserted by 2016 c. 24 s. 73(5)
- s. 1058B(5)(ea) inserted by 2023 c. 20 Sch. para. 57
- s. 1094(2A)-(2C) inserted by 2012 c. 14 Sch. 3 para. 13(3)
- s. 1106(4A)-(4C) inserted by 2012 c. 14 Sch. 3 para. 14(3)