



Corporation Tax Act 2010

2010 CHAPTER 4

PART 11

CHARITABLE COMPANIES ETC

CHAPTER 2

GIFTS AND OTHER PAYMENTS

Gifts and other payments to charitable companies

471 Gifts qualifying for gift aid relief: income tax treated as paid

- (1) This section applies if a gift is made to a charitable company by an individual and the gift is a qualifying donation for the purposes of Chapter 2 of Part 8 of ITA 2007 (gift aid).
- (2) The charitable company is treated as receiving, under deduction of income tax at the basic rate for the tax year in which the gift is made, a gift of an amount equal to the grossed up amount of the gift.
- (3) References in this section to the grossed up amount of the gift are to the amount of the gift grossed up by reference to the basic rate for the tax year in which the gift is made.
- (4) The income tax treated as deducted is treated as income tax paid by the charitable company.

472 Gifts qualifying for gift aid relief: corporation tax liability and exemption

- (1) If a charitable company receives a gift from an individual and the gift is a qualifying donation for the purposes of Chapter 2 of Part 8 of ITA 2007 (gift aid), the grossed up amount of the gift is treated as an amount in respect of which the company is chargeable to corporation tax, under the charge to corporation tax on income.

Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Chapter 2. (See end of Document for details)

- (2) But the grossed up amount of the gift is not taken into account in calculating total profits so far as that grossed up amount is applied to charitable purposes only.
- (3) References in this section to the grossed up amount of a gift are to the amount of the gift grossed up by reference to the basic rate for the tax year in which the gift is made.
- (4) The exemption under subsection (2) requires a claim.
- ^{F1}(5)

Textual Amendments

F1 S. 472(5) omitted (retrospective to 6.4.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), s. 50(2)(d)(4)

^{F2}472A Gifts under payroll deduction schemes: corporation tax liability and exemption

- (1) If a charitable company receives a gift from an individual and the gift is a donation for the purposes of Part 12 of ITEPA 2003 (payroll giving), the gift is treated as an amount in respect of which the charitable company is chargeable to corporation tax, under the charge to corporation tax on income.
- (2) But the gift is not taken into account in calculating total profits so far as it is applied to charitable purposes only.
- (3) The exemption under subsection (2) requires a claim.]

Textual Amendments

F2 S. 472A inserted (with effect in accordance with Sch. 8 para. 8(1)(2) of the amending Act) by [Finance Act 2010 \(c. 13\)](#), [Sch. 8 para. 1\(2\)](#)

473 Gifts of money from companies: corporation tax liability and exemption

- (1) If a charitable company receives a gift of a sum of money from a company which is not a charity, the gift is treated as an amount in respect of which the charitable company is chargeable to corporation tax, under the charge to corporation tax on income.
- (2) But the gift is not taken into account in calculating total profits so far as it is applied to charitable purposes only.
- (3) The exemption under subsection (2) requires a claim.

474 Payments from other charities: corporation tax liability and exemption

- (1) Subsection (2) applies if a charitable company receives from another charity a payment which—
 - (a) is not made for full consideration in money or money's worth,
 - (b) is not chargeable to corporation tax apart from this section, and
 - (c) is not of a description which (on a claim) would be exempt from corporation tax under any of the exemptions conferred by this Part.

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- (2) The payment is treated as an amount in respect of which the charitable company is chargeable to corporation tax, under the charge to corporation tax on income.
- (3) But the payment is not taken into account in calculating total profits so far as it is applied to charitable purposes only.
- (4) In the case of a payment to which section 494 of ITA 2007 (discretionary payments by trustees) applies, the references in subsections (2) and (3) to the payment are to be read as references to the grossed up amount of the discretionary payment within the meaning of that section.
- (5) The exemption under subsection (3) requires a claim.

Gifts to eligible bodies

475 Gifts qualifying for gift aid relief: income tax treated as paid and exemption

- (1) This section applies if a gift is made to an eligible body by an individual and the gift is a qualifying donation for the purposes of Chapter 2 of Part 8 of ITA 2007 (gift aid).
- (2) The eligible body is treated as receiving, under deduction of income tax at the basic rate for the tax year in which the gift is made, a gift of an amount equal to the grossed up amount of the gift.
- (3) References in this section to the grossed up amount of the gift are to the amount of the gift grossed up by reference to the basic rate for the tax year in which the gift is made.
- (4) The income tax treated as deducted is treated as income tax paid by the eligible body.
- (5) The grossed up amount of the gift is not taken into account in calculating total profits.
- (6) The exemption under subsection (5) requires a claim.
- ^{F3}(7)
- (8) In the case of an eligible body which is a charitable company, this section applies instead of sections 471 and 472.

Textual Amendments

F3 S. 475(7) omitted (retrospective to 6.4.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), s. 50(2)(e)(4)

476 Gifts of money from companies: exemption

- (1) If an eligible body receives a gift of a sum of money from a company, the gift is not taken into account in calculating total profits.
- (2) The exemption under subsection (1) requires a claim.
- (3) In the case of an eligible body which is a charitable company, this section applies instead of section 473.

Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Chapter 2. (See end of Document for details)

Gifts to scientific research associations

477 Gifts of money from companies: exemption

- (1) A gift of a sum of money that a body receives from a company is not taken into account in calculating total profits if the body receiving the gift qualifies as a scientific research association for the relevant accounting period.
- (2) The exemption under subsection (1) requires a claim.
- (3) In subsection (1) “the relevant accounting period” means the accounting period for which the exemption is to be claimed.
- (4) In the case of a body which qualifies as a scientific research association and is also a charitable company, this section applies instead of section 473.

[^{F4}Claims

Textual Amendments

F4 S. 477A and cross-heading inserted (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 8 para. 7](#)

477A Claims in relation to gift aid relief

[This section applies to claims for repayment of income tax treated as having been paid ^{F5}(A1) by virtue of—

- (a) section 471 (gifts qualifying for gift aid relief: charitable companies), or
- (b) section 475 (gifts qualifying for gift aid relief: eligible bodies).]
- (1) This section [^{F6}also] applies to claims for amounts to be exempt from tax by virtue of—
 - (a) section 472 (gifts qualifying for gift aid relief: charitable companies), or
 - (b) section 475 (gifts qualifying for gift aid relief: eligible bodies).
- (2) A claim to which this section applies may be made—
 - (a) to an officer of Revenue and Customs, or
 - (b) where the claimant is a company, by being included in the claimant's company tax return.
- (3) In this section—

“ free-standing claim ” means a claim made as mentioned in subsection (2)(a), and

“ tax return claim ” means a claim made as mentioned in subsection (2)(b).
- (4) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision—
 - (a) limiting the number of free-standing claims that may be made by a person in a tax year, or
 - (b) requiring a claim for an amount below an amount specified in the regulations to be made as a tax return claim.
- (5) The regulations may make different provision for different cases or purposes.]

Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Chapter 2. (See end of Document for details)

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Textual Amendments

- F5** S. 477A(A1) inserted (retrospective to 8.4.2010) by [Finance Act 2012 \(c. 14\)](#), [Sch. 15 paras. 3\(2\), 17\(1\)](#)
- F6** Word in s. 477A(1) inserted (retrospective to 8.4.2010) by [Finance Act 2012 \(c. 14\)](#), [Sch. 15 paras. 3\(3\), 17\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Corporation Tax Act 2010, Chapter 2.