



Corporation Tax Act 2010

2010 CHAPTER 4

[^{F1}PART 5A

GROUP RELIEF FOR CARRIED-FORWARD LOSSES

CHAPTER 4

LIMITATIONS ON RELIEF: CLAIMS UNDER SECTION 188CB

[^{F1}General limitation on amount of relief

Textual Amendments

- F1** Pt. 5A inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 23](#)

188DB Limitation on amount of relief applying to all claims under section 188CB

- (1) The amount of group relief for carried-forward losses to be given on a claim under section 188CB (“the current claim”) is limited to whichever is the lesser of—
 - (a) the amount mentioned in subsection (2), and
 - (b) the amount mentioned in subsection (3).
- (2) The amount referred to in subsection (1)(a) is the unused part of the surrenderable amounts (see section 188DC).
- (3) The amount referred to in subsection (1)(b) is the difference between—
 - (a) the claimant company's relevant maximum for the overlapping period (see section 188DD), and
 - (b) the amount of previously claimed group relief for carried-forward losses for the overlapping period (see section 188DE).

Status: Point in time view as at 16/11/2017.

Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Cross Heading: General limitation on amount of relief. (See end of Document for details)

188DC Unused part of the surrenderable amounts

- (1) The unused part of the surrenderable amounts is the amount equal to—
 - (a) the surrenderable amount for the overlapping period (see subsection (2)), less
 - (b) the amount of prior surrenders for that period (see subsections (3) to (5)).
- (2) To determine the surrenderable amount for the overlapping period—
 - (a) take the proportion of the surrender period included in the overlapping period, and
 - (b) apply that proportion to the surrenderable amounts for the surrender period.

The surrenderable amount for the overlapping period is the amount given as a result of paragraph (b).

- (3) To determine the amount of prior surrenders for the overlapping period—
 - (a) identify any prior claims for the purposes of this section (see subsection (4)), and
 - (b) take the steps set out in subsection (5) in relation to each such claim.

The amount of prior surrenders for the overlapping period is the total of the previously used amounts given at step 3 in subsection (5) for all the prior claims.

- (4) A claim is a prior claim for the purposes of this section if—
 - (a) it is either—
 - (i) a claim under section 188CB by any company which relates to the same amounts as the current claim, or
 - (ii) a claim under section 188CC by any company which relates to amounts included in the amounts to which the current claim relates,
 - (b) it is made before the current claim, and
 - (c) it has not been withdrawn.

- (5) These are the steps referred to in subsection (3)(b) to be taken in relation to each prior claim.

Step 1 Identify the overlapping period for the prior claim.

Step 2 Identify any period that is common to the overlapping period for the current claim and the overlapping period for the prior claim. If there is a common period, go to step 3. If there is no common period, there is no previously used amount in relation to the prior claim (and ignore step 3).

Step 3 Determine the previously used amount of group relief for carried-forward losses in relation to the prior claim (see subsection (6)).

- (6) To determine the previously used amount of group relief for carried-forward losses in relation to a prior claim—
 - (a) take the proportion of the overlapping period for the prior claim that is included in the common period identified at step 2 in relation to that claim, and
 - (b) apply that proportion to the amount of group relief for carried-forward losses given on the prior claim.

The previously used amount of group relief for carried-forward losses in relation to the prior claim is the amount given as a result of paragraph (b).

- (7) For the meaning of the “overlapping period” see section 188DG.

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188DD Claimant company's relevant maximum for overlapping period

- (1) The claimant company's relevant maximum for the overlapping period is determined as follows—

Step 1 Calculate the claimant company's relevant maximum for the claim period in accordance with section 269ZD(4).

Step 2 Deduct from that amount the sum of—

- (a) any deductions made by the company for the claim period
 - (i) under section 45(4)(b) or 45B(4), or
 - (ii) under section 303B or 303D by virtue of section 304(5),
- (b) any deductions made by the company for the claim period under section 457(3) or 463H(5) of CTA 2009,
- (c) any deductions made by the company for the claim period under section 124(5), 124A(5) or 124C(6) of FA 2012, and
- (d) any deductions made by the company for the claim period which are deductions within any of paragraphs (a) to (i) and (k) of section 269ZD(3).

Step 3 Take the proportion of the claim period included in the overlapping period and apply that proportion to the amount arrived at under step 2.

- (2) In step 2 of subsection (1)—

- (a) in paragraph (a)(i), the references to deductions under section 45(4)(b) or 45B(4) do not include deductions that would be ignored for the purposes of section 269ZB by reason of—
 - (i) section 1209(3), 1210(5A) or 1211(7A) of CTA 2009 (losses of film trade),
 - (ii) section 1216DA(3), 1216DB(5A) or 1216DC(7A) of that Act (losses of television programme trade),
 - (iii) section 1217DA(3), 1217DB(5A) or 1217DC(7A) of that Act (losses of video game trade),
 - (iv) section 1217MA(3) or 1217MC(9) of that Act (losses of theatrical trade),
 - (v) section 1217SA(3) or 1217SC(9) of that Act (losses of orchestral trade),
 - (vi) section 1218ZDA(3) or 1218ZDC(9) of that Act (losses of museum or gallery exhibition trade),
 - (vii) section 65(4B) or 67A(5A) (losses of UK or EEA furnished holiday lettings business),
 - (viii) section 269ZJ(1) (insurance companies: shock losses),
 - (ix) section 304(7) (certain losses of ring fence trades), or
 - (x) section 356NJ(2) (pre-1 April 2017 loss arising from oil contractor activities);
- (b) in paragraph (b) the reference to a deduction under section 463H(5) does not include the deduction of a shock loss.

- (3) If the amount of the claimant company's relevant profits for the claim period (calculated in accordance with section 269ZD(5)) is less than the amount of the claimant company's deductions allowance for the claim period (determined in accordance with section 269ZD(6)), subsection (1) has effect as if step 1 was modified as follows—

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Step 1 Calculate the claimant company's relevant profits for the claim period in accordance with section 269ZD(5).

- (4) If section 269ZD has effect in relation to the claimant company for the claim period with the modifications set out in section 269ZE(1) (special loss cap for insurance companies in certain cases), subsection (1) has effect as if steps 1 and 2 were modified as follows—

Step 1 Determine, in accordance with section 269ZE(5), the modified loss cap for the claimant company and the claim period.

Step 2 Reduce that amount by the total of any deductions made by the claimant company for the claim period which are deductions within any of paragraphs (a) to (i) and (k) of section 269ZD(3).

- (5) Subsection (2) is to be ignored if subsection (3) applies.

Modifications etc. (not altering text)

C1 S. 188DD excluded (16.11.2017) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), Sch. 4 para. 194(2)

188DE Previously claimed group relief for carried-forward losses

- (1) To determine the amount of previously claimed group relief for carried-forward losses for the overlapping period—
- (a) identify any prior claims for the purposes of this section (see subsection (2)), and
 - (b) take the steps set out in subsection (3) in relation to each such claim.

The amount of previously claimed group relief for carried-forward losses for the overlapping period is the total of the previously claimed amounts given at step 3 in subsection (3) for all the prior claims.

- (2) A claim is a prior claim for the purposes of this section if—
- (a) it is a claim under section 188CB or 188CC by the claimant company for group relief for carried-forward losses which would be given by way of a deduction from the company's total profits of the claim period,
 - (b) it is made before the current claim, and
 - (c) it has not been withdrawn.

- (3) These are the steps referred to in subsection (1)(b) to be taken in relation to each prior claim.

Step 1 Identify the overlapping period for the prior claim.

Step 2 Identify any period that is common to the overlapping period for the current claim and the overlapping period for the prior claim. If there is a common period, go to step 3. If there is no common period, there is no previously claimed amount in relation to the prior claim (and ignore step 3).

Step 3 Determine the previously claimed amount of group relief for carried forward losses in relation to the prior claim (see subsection (4)).

- (4) To determine the previously claimed amount of group relief for carried-forward losses in relation to a prior claim—

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- (a) take the proportion of the overlapping period for the prior claim that is included in the common period identified at step 2 in relation to that claim, and
- (b) apply that proportion to the amount of group relief for carried-forward losses given on the prior claim.

The previously claimed amount of group relief for carried-forward losses in relation to the prior claim is the amount given as a result of paragraph (b).

188DF Sections 188DC to 188DE: supplementary

- (1) If two or more claims for group relief for carried-forward losses are made at the same time, for the purpose of section 188DC and 188DE treat the claims as made—
 - (a) in such order as the company making them may elect or the companies making them may jointly elect, or
 - (b) if no such election is made, in such order as an officer of Revenue and Customs may direct.
- (2) For the purpose of step 3 in each of section 188DC(5) and 188DE(3) the amount of group relief for carried-forward losses given on a prior claim is determined on the basis that relief is given on the claim before it is given on any later claim.
- (3) If the use of any proportion mentioned in subsection (4), would, in the circumstances of a particular case, produce a result that is unjust or unreasonable, the proportion is to be modified so far as necessary to produce a result that is just and reasonable.
- (4) The proportions are those found in—
 - (a) section 188DC(2),
 - (b) section 188DC(6),
 - (c) step 3 in section 188DD(1), and
 - (d) section 188DE(4)

188DG Sections 188DC and 188DE: meaning of “the overlapping period”

- (1) In sections 188DC and 188DE “the overlapping period”, in relation to a claim for group relief for carried-forward losses, means the period that is common to the claim period and the surrender period (see Requirement 2 in section 188CB(3) and Requirement 2 in section 188CC(3)).
- (2) But if during any part of the overlapping period the relief condition is not met, that part is treated as not forming part of the overlapping period but instead as forming—
 - (a) a part of the surrender period that is not included in the overlapping period, and
 - (b) a part of the claim period that is not included in the overlapping period.
- (3) The relief condition is the condition on which the claim for group relief for carried forward losses is based, that is—

the group condition,
consortium condition 1,
consortium condition 2,
consortium condition 3, or
consortium condition 4.]

Status:

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Changes to legislation:

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