



Taxation (International and Other Provisions) Act 2010

2010 CHAPTER 8

PART 5

ADVANCE PRICING AGREEMENTS

222 Effect of agreement on non-parties

- (1) Subsections (2), (5) and (6) apply if—
 - (a) an advance pricing agreement has effect in relation to any provision (“the actual provision”) made or imposed as between any person (“A”) and another (“B”), and
 - (b) section 220(2) has the effect in A's case of requiring a question relating to the actual provision to be determined in accordance with the agreement rather than by reference to rules which would otherwise be applicable because of Part 4.
- (2) The provisions mentioned in subsection (3) have effect in B's case on the assumption that any question within subsection (4) is to be determined, to the same extent as in A's case, by reference to the agreement.
- (3) The provisions are—
 - sections 174 to 178 (transfer pricing: claim by disadvantaged person), and
 - sections 188 and 189 (transfer pricing: adjustment of double taxation relief if claim made).
- (4) The questions are—
 - (a) whether A is a person on whom a potential advantage in relation to United Kingdom taxation is conferred by the actual provision, and
 - (b) what constitutes the arm's length provision in relation to the actual provision.
- (5) Subsection (2) has effect subject to any advance pricing agreement made between the Commissioners and B.

Changes to legislation: There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, Section 222. (See end of Document for details)

- (6) Any assumptions to be made because of the agreement are “advance-pricing-agreement assumptions” for the purposes of paragraph (b) of the definition in section 185(5) of “transfer-pricing determination”.

Changes to legislation:

There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, Section 222.