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SCHEDULES

SCHEDULE 4

RELIEF FOR CARRIED-FORWARD LOSSES

PART 11

MINOR AND CONSEQUENTIAL AMENDMENTS

FA 1998

- 107 Schedule 18 to FA 1998 (company tax returns, assessments and related matters) is amended in accordance with paragraphs 108 to 122.
- 108 In paragraph 61(1)(c) (consequential claims etc arising out of certain Revenue amendments or assessments), in the words in brackets, after “relief” insert “ or group relief for carried-forward losses ”.
- 109 In the heading of Part 8 (claims for group relief) at the end insert “ and group relief for carried-forward losses ”.
- 110 For paragraph 66 (introduction to Part 8) substitute—
- “66 (1) This Part of this Schedule applies to—
- (a) claims for group relief under Part 5 of the Corporation Tax Act 2010, and
 - (b) claims for group relief for carried-forward losses under Part 5A of that Act.
- (2) In this Part of this Schedule (except where otherwise indicated)—
- (a) references to “relief” are to either of those forms of relief, and
 - (b) references to “a claim” are to a claim for either of those forms of relief.”
- 111 In paragraph 67 (claim to be included in company tax return) omit “for group relief”.
- 112 (1) Paragraph 68 (content of claims) is amended as follows.
- (2) In sub-paragraph (1), in the words before paragraph (a), omit “for group relief”.
- (3) After sub-paragraph (4) insert—
- “(5) A claim for group relief for carried-forward losses made under section 188CB of the Corporation Tax Act 2010 must also state whether or not there is a company mentioned in sub-paragraph (6) that was not resident in the United Kingdom in either or both of the following periods—
- (a) the accounting period of the surrendering company to which the claim relates,
 - (b) the corresponding accounting period of the claimant company.

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- (6) Those companies are the claimant company, the surrendering company and any other company by reference to which—
 - (a) the claimant company and the surrendering company are members of the same group,
 - (b) consortium condition 1 in section 188CF or consortium condition 2 in section 188CG of the Corporation Tax Act 2010 is satisfied in the case of the claimant company and the surrendering company.
 - (7) A claim for group relief for carried forward-losses made under section 188CC of the Corporation Tax Act 2010 must also state whether or not there is a company mentioned in sub-paragraph (8) that was not resident in the United Kingdom in any or all of the following periods—
 - (a) the specified loss-making period of the surrendering company,
 - (b) the accounting period of the surrendering company to which the surrender relates,
 - (c) the accounting period of the claimant company that corresponds with the period mentioned in paragraph (b).
 - (8) Those companies are the claimant company, the surrendering company and any other company by reference to which consortium condition 3 in section 188CH or consortium condition 4 in section 188CI is satisfied in the case of the claimant company and the surrendering company.”
- 113 (1) Paragraph 69 (claims for more or less than the amount available for surrender) is amended as follows.
- (2) In subsection (1) omit “for group relief”.
 - (3) In subsection (3), in the first step, after “Part 5” insert “ or (as the case may be) Part 5A ”.
- 114 (1) Paragraph 70 (consent to surrender) is amended as follows.
- (2) For sub-paragraph (1) substitute—
 - “(1) In accordance with Requirement 1 in section 130(2), 135(2), 188CB(3) or (as the case may be) 188CC(3) of the Corporation Tax Act 2010, a claim requires the consent of the surrendering company.”
 - (3) In sub-paragraph (4) omit “for group relief”.
 - (4) In sub-paragraph (6)—
 - (a) after “means” insert “—
(a)”,
 - (b) at the end insert—
 - “,
 - (b) a claim for group relief for carried-forward losses under section 188CB of that Act based on consortium condition 1 or 2 (see Requirement 3 in that section), and
 - (c) a claim for group relief for carried-forward losses under section 188CC of that Act based on consortium condition 3 or 4 (see Requirement 3 in that section).”
- 115 In Paragraph 71 (notice of consent) after sub-paragraph (1) insert—

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“(1A) Notice of consent given in respect of a claim for carried-forward losses made under section 188CC of the Corporation Tax Act 2010 must also state which accounting period of the surrendering company is the specified loss-making period.

Otherwise the notice is ineffective.”

116 After paragraph 71 insert—

“Notice of consent: additional requirements where claim is for group relief for carried-forward losses

71A (1) Where notice of consent by the surrendering company is given in respect of a claim for carried-forward losses, the notice must comply with the additional requirements in this paragraph.

Otherwise the notice is ineffective.

(2) The notice must identify the particular losses and other amounts carried forward to the surrender period that are to be treated as surrendered in satisfaction of the claim.

(3) The notice must identify a loss or other amount by specifying—

- (a) the provision of the Corporation Tax Act 2009 or the Corporation Tax Act 2010 under which it was carried forward to the surrender period, and
- (b) in a case where the surrendering company is owned by a consortium, the accounting period of the surrendering company to which the loss or other amount is attributable.

(4) Section 153 of the Corporation Tax Act 2010 (companies owned by consortiums) applies for the purposes of this paragraph.”

117 (1) Paragraph 72 (notice of consent requiring amendment of return) is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) Where notice of consent by the surrendering company relates to a loss or other amount in respect of which corporation tax relief has been given to the company for any accounting period, the company must at the same time amend its company tax return for that accounting period so as to reflect the notice of consent.”

(3) Omit sub-paragraph (2).

(4) In sub-paragraph (3) omit “or (2)”.

(5) In sub-paragraph (4) omit “or (2)”.

118 (1) Paragraph 73 (withdrawal or amendment of claim) is amended as follows.

(2) In sub-paragraph (1) omit “for group relief”.

(3) In sub-paragraph (2) omit “for group relief”.

119 (1) Paragraph 74 (time limit for claims) is amended as follows.

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- (2) In sub-paragraph (1), in the words before paragraph (a), omit “for group relief”.
- (3) In sub-paragraph (2) omit “for group relief”.
- (4) In sub-paragraph (3) omit “for group relief”.
- (5) In sub-paragraph (4) omit “for group relief” in both places those words occur.
- 120 (1) Paragraph 75A (assessment on other claimant companies) is amended as follows.
 - (2) In sub-paragraph (2) omit “group”.
 - (3) In sub-paragraph (6) omit “for group relief”.
- 121 (1) Paragraph 76 (assessment to recover excessive relief) is amended as follows.
 - (2) In the italic heading omit “group”.
 - (3) In sub-paragraph (1) omit “group”.
- 122 (1) Paragraph 77 (joint amended returns) is amended as follows.
 - (2) In sub-paragraph (1)—
 - (a) in paragraph (a) omit “for group relief”, and
 - (b) in paragraph (b) omit “group” in the second and third places that word occurs.
 - (3) In sub-paragraph (3), in paragraph (a), omit “for group relief”.

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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):

- Sch. A1 para. 8(6)(b) omitted by [2022 c. 3 Sch. 1 para. 32\(b\)](#)
- Sch. A1 para. 8(2) substituted by [2022 c. 3 Sch. 1 para. 32\(a\)](#)