

Changes to legislation: There are currently no known outstanding effects
for the Finance Act 1940, Paragraph 4. (See end of Document for details)

SCHEDULE 5

PROVISIONS AS TO EXCESS PROFITS TAX AND NATIONAL DEFENCE CONTRIBUTION IN THE CASE OF INTERCONNECTED COMPANIES

Modifications etc. (not altering text)

- C1** The text of Part III (ss. 26–42) and Schs. 5 and 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C1** Sch. 5 extended by [Finance \(No. 2\) Act 1940 \(c. 48\), s. 13\(3\)](#)
- C1** Sch. 5 amended by [Finance Act 1941 \(c. 30\), s. 42, Sch. 4 paras. 6\(1\)\(2\)](#)
- C1** Sch. 5 excluded by [Finance Act 1941 \(c. 30\), s. 42, Sch. 4 para. 1](#) and by [Finance Act 1945 \(c. 24\), s. 5\(3\)](#)
- C1** Sch. 5 applied by [Finance \(No. 2\) Act 1945 \(c. 13\), s. 49, Sch. 6 para. 5](#)

PART II

THE GROUP STANDARD PERIOD AND THE GROUP STANDARD PROFITS

- 4 (1) Whether the group is or is not such a group as is mentioned in the last two foregoing paragraphs, the principal company of the group may elect that the standard profits of every member of the group shall be ascertained by reference to the minimum standard, that is to say, by reference to the sum of one thousand pounds, or, if the principal company is a company the directors whereof have a controlling interest therein, by reference to such greater sum as might be allowed in relation to the principal company under the provisions of subsection (2) of section thirteen of the Finance (No. 2) Act, 1939.
- (2) The question what is the amount of the minimum standard in relation to the group shall be decided from time to time for the periods falling within the relevant period which are chargeable accounting periods of the principal company, and shall be so decided by the Commissioners :
- Provided that if the principal company is dissatisfied with any determination by the Commissioners of any such question, it may appeal to the Special Commissioners.
- (3) An election under this paragraph—
- (a) shall have effect as from such date as may be specified by the principal company in making the election ;
 - (b) may be revoked by the principal company as from such date as may be specified by the principal company in making the revocation ; and
 - (c) shall, unless revoked, continue to have effect for the remainder of the relevant period,
- and where an election is revoked a new election may be made as from any date subsequent to the date as from which the revocation has effect.
- (4) In this paragraph the expression “working proprietor” has the same meaning as it has in subsection (2) of section thirteen of the Finance (No. 2) Act, 1939.

Changes to legislation:

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