
STATUTORY INSTRUMENTS

2009 No. 730

The Enactment of Extra-Statutory Concessions Order 2009

The Taxation of Chargeable Gains Act 1992

Roll-over relief: activities other than trades

6.—(1) Section 158 of the Taxation of Chargeable Gains Act 1992 (roll-over relief: activities other than trades and interpretation) is amended as follows.

(2) In subsection (1), after “only if they are used by the body,” insert—
“and

(f) in relation to the activities of a company owned by such an unincorporated association or other body (“the parent body”), but in the case of any assets within head A of class 1 only if they are both occupied and used by the parent body, and in the case of any other assets only if they are used by the parent body,”.

(3) After subsection (1) insert—

“(1A) For the purposes of subsection (1)(f) the parent body owns the company if—

- (a) it holds not less than 90% of the company’s ordinary share capital,
- (b) it is beneficially entitled to not less than 90% of the profits available for distribution to the equity holders of the company, and
- (c) it would be beneficially entitled on a winding up to not less than 90% of the assets of the company available for distribution to equity holders.

(1B) For the purposes of subsection (1A)—

- (a) “ordinary share capital” has the meaning given by section 832(1) of the Taxes Act⁽¹⁾ and also includes, in relation to a company that has no share capital, any interests in the company possessed by members of the company, and
- (b) the meaning of “equity holder” and method of determination of profits or assets available for distribution shall be that prescribed for the purposes of paragraph 8 of Schedule 7AC by sub-paragraphs (2) and (3) of that paragraph.”.

(4) The amendments made by this article have effect in relation to disposals on or after 6th April 2009.

(1) The “Taxes Act” is defined by section 288(1) of the Taxation of Chargeable Gains Act 1992 as the Income and Corporation Taxes Act 1988.