



Corporation Tax Act 2009

2009 CHAPTER 4

PART 8 U.K.

INTANGIBLE FIXED ASSETS

CHAPTER 16 U.K.

PRE-FA 2002 ASSETS ETC

Assets treated as pre-FA 2002 assets

892 Certain assets acquired on transfer of business [^{F1}or transfer within a group] U.K.

- (1) This section applies if—
 - (a) a company (“the transferor”) transfers to another company (“the transferee”) an asset that is a pre-FA 2002 asset in the hands of the transferor company,
 - (b) the transfer is one in relation to which the transferor is treated for the purposes of TCGA 1992 as disposing of the asset for a consideration that secures that neither a gain nor a loss accrues to it, and
 - (c) it is so treated because of a provision specified in subsection (2).
- (2) The provisions are—
 - (a) section 139 of TCGA 1992 (reconstruction involving transfer of business),
 - (b) section 140A of that Act (transfer or division of UK business), ^{F2}...
 - (c) section 140E of that Act (merger leaving assets within UK tax charge)^{F3}, and
 - (d) section 171 of that Act (transfers within a group)].
- (3) In the hands of the transferee the asset is treated for the purposes of this Part as a pre-FA 2002 asset.

Changes to legislation: Corporation Tax Act 2009, Section 892 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) This section does not apply if the transfer mentioned in subsection (1) occurred before 28 June 2002.

[^{F4}(5) If the transfer mentioned in subsection (1) occurred before 1 July 2020, this section applies as if paragraph (d) of subsection (2) were omitted.]

Textual Amendments

- F1** Words in s. 892 heading inserted (with effect in accordance with s. 31(14)(15) of the amending Act) by [Finance Act 2020 \(c. 14\), s. 31\(10\)\(a\)](#)
- F2** Word in s. 892(2)(b) omitted (with effect in accordance with s. 31(14)(15) of the amending Act) by virtue of [Finance Act 2020 \(c. 14\), s. 31\(10\)\(b\)](#)
- F3** S. 892(2)(d) and word inserted (with effect in accordance with s. 31(14)(15) of the amending Act) by [Finance Act 2020 \(c. 14\), s. 31\(10\)\(c\)](#)
- F4** S. 892(5) inserted (with effect in accordance with s. 31(14)(15) of the amending Act) by [Finance Act 2020 \(c. 14\), s. 31\(10\)\(d\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 322(2A)(zb) inserted by [2016 c. 24 s. 73\(5\)](#)
- s. 1058B(5)(ea) inserted by [2023 c. 20 Sch. para. 57](#)
- s. 1094(2A)-(2C) inserted by [2012 c. 14 Sch. 3 para. 13\(3\)](#)
- s. 1106(4A)-(4C) inserted by [2012 c. 14 Sch. 3 para. 14\(3\)](#)