



Income and Corporation Taxes Act 1988

1988 CHAPTER 1

PART II

PROVISIONS RELATING TO THE SCHEDULE A CHARGE AND THE ASSOCIATED SCHEDULE D CHARGES

Deductions and other allowances

25 Deductions from rent: general rules.

[^{F1}(1) ^{M1}In computing for the purposes of Schedule A the profits or gains arising to a person (the “person chargeable”) in any chargeable period, the amounts of any permitted deductions shall be deducted from rent to which he becomes entitled under a lease in that period.

(2) ^{M2}In this section—

“permitted deductions” means any payments, except any payment of interest, made by the person chargeable in respect of any of the following matters—

- (a) maintenance, repairs, insurance or management;
- (b) any services provided by him otherwise than by way of maintenance or repairs, being services which he was obliged to provide but in respect of which he received no separate consideration;
- (c) rates or other charges on the occupier which the person chargeable was obliged to defray;
- (d) any rent, rentcharge, ground annual, feuduty or other periodical payment reserved in respect of, or charged on or issuing out of, land;

being payments which are deductible in accordance with subsections (3) to (9) below and section 26; and

“void period” means a period during which the person chargeable was not in occupation of the premises or any part thereof but was entitled to possession thereof.

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (3) ^{M3}There may be deducted from rent to which the person chargeable becomes entitled in a chargeable period the amount of any permitted deduction which became due in that period, or at an earlier time falling within the currency of the lease, in so far as the payment—
- (a) was made in respect of the premises comprised in the lease, and
 - (b) in the case of a payment for maintenance or repairs, was incurred by reason of dilapidation attributable to a period falling within the currency of the lease or, in the case of any other payment, was incurred in respect of such a period.
- (4) Where the person chargeable became the landlord after the lease began, references in subsection (3) above to the currency of the lease shall not include any time before he became the landlord.
- (5) ^{M4}In the case of a lease at a full rent, subsection (3) above shall have effect as if references to the currency of the lease included any period (“a previous qualifying period”)—
- (a) during which the person chargeable was the landlord in relation to a previous lease of the premises, being a lease at a full rent; or
 - (b) which was a void period beginning either with the termination of an earlier lease at a full rent of the premises or with the acquisition by the person chargeable of the interest in the premises giving him the right to possession thereof;
- but a period shall not be a previous qualifying period if it preceded a period ending before the beginning of the lease which was not itself a previous qualifying period.
- (6) Where during any period the conditions necessary for the period to be a previous qualifying period were fulfilled as respects part of the premises, but not the whole, the period shall be treated as a previous qualifying period as respects that part of the premises only, and subsection (5) above shall have effect accordingly, any necessary apportionment being made of rent, payments or other matters.
- (7) ^{M5}In the case of a lease at a full rent, not being a tenant’s repairing lease, there may also be deducted the amount of any payment made in respect of other premises by the person chargeable—
- (a) in so far as that amount could be deducted under subsections (3) and (5) above from rent to which he became entitled in the chargeable period under a lease of those other premises, being a lease at a full rent, or could be so deducted if that rent were not insufficient, or
 - (b) if any part of the chargeable period is, in respect of those other premises, a void period beginning with the termination of a lease at a full rent, in so far as the amount could be so deducted if the lease had continued until the end of the period.
- (8) ^{M6}Where by reason of any change of circumstances a lease ceases to be, or becomes, a tenant’s repairing lease, or ceases to be, or becomes, a lease at a full rent, subsections (5) and (7) above shall apply in relation to the lease as it subsists after the change of circumstances as if it were a new lease granted when the change occurred.
- (9) ^{M7}Where the person chargeable retains possession of a part of the premises and that part is used in common by persons respectively occupying other parts of the premises, this section shall apply as if a payment made in respect of the part used in common had been made in respect of those other parts.]

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** S. 25 ceases to have effect except for specified purposes (with effect in accordance with s. 39(4)(5) of the amending Act) by virtue of Finance Act 1995 (c. 4), s. 39(3), Sch. 6 para. 4(a)

Modifications etc. (not altering text)

- C1** S. 25 modified (with application and effect in accordance with Sch. 12 paras. 7, 13, 14, 17 of the amending Act) by Finance Act 1997 (c. 16), s. 82, Sch. 12 para. 8(5)

Marginal Citations

- M1** SOURCE-1970 ss. 71(1), 72(1)
M2 SOURCE-1970 s. 72(1), (7)
M3 SOURCE- 1970 s. 72(2)
M4 SOURCE-1970 s. 72(3)
M5 SOURCE-1970 s. 72(4)
M6 SOURCE-1970 s. 72(5)
M7 SOURCE-1970 s. 72(6)

26 Deductions from rent: land managed as one estate.

- (1) ^{M8}Where this section applies to an estate for a chargeable period, the owner shall be treated—
- (a) in relation to a part of the estate which for any portion of that period is not comprised in a lease under which he is the landlord, as if he were entitled under a lease of that part at a full rent (not being a tenant's repairing lease) to rent for that portion, becoming due from day to day, at a rate per annum equal to the relevant annual value, and
 - (b) in relation to a part of the estate which for any portion of that period is comprised in a lease under which he is the landlord, not being a lease at a full rent, as if the lease were at a full rent, and as if the rent so far as it relates to that part were at a rate per annum not less than the relevant annual value;
- and section 25 shall apply accordingly.
- (2) In any case where subsection (1) above applies—
- (a) a payment relating to premises comprised in the estate shall not be deductible from rent in respect of premises not so comprised; and
 - (b) paragraph (a) of that subsection shall not apply to premises occupied by the owner wholly and exclusively for purposes connected with the management of the estate or for the purposes of a trade, profession or vocation.
- (3) ^{M9}This section shall apply to an estate if, at the end of the year 1962-63, the land comprised in the estate was managed as one estate and the owner for the time being of the estate by notice to the inspector so elects; but such an election—
- (a) must be made within 12 months after the end of the first chargeable period for which the person making it became entitled to make it or such further time as the Board may allow;
 - (b) except in the case of the first election that can be made under this subsection or the first election made under section 73(2) of the 1970 Act, shall not have effect unless an election under this section has had effect as respects the immediately preceding ownership;

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (c) shall apply in relation to the estate throughout the ownership of the person making it.
- (4)^{M10} Where in any chargeable period the estate comprises premises not included in it at the end of the year 1962-63, subsection (1) above (but not subsection (2)) shall apply in relation to the chargeable period as if the premises were not included in the estate in that period.
- (5)^{M11} Subsection (4) above shall not have effect in relation to any premises if—
- (a) at the end of the year 1962-63 the owner of the remainder of the estate as then subsisting was entitled under trusts arising under a settlement or on an intestacy, or in Scotland, under a disposition by way of liferent and fee, to an interest such that, on the occurrence of some future event or events, he might become the owner of the premises in question, and
 - (b) before the end of that year, the premises and the remainder of the estate, as then subsisting, were together managed as one estate.
- (6)^{M12} In this section—
- “estate” means land in one ownership managed as one estate (but without prejudice to section 27); and
- “relevant annual value”, in relation to any part of an estate, means the annual value of that part ascertained in accordance with section 837.

Modifications etc. (not altering text)

C2 S. 26 modified (with effect in accordance with s. 39(4)(5) of the modifying Act) by [Finance Act 1995 \(c. 4\), s. 39\(3\), Sch. 6 para. 5](#)

Marginal Citations

M8 SOURCE-1970 s. 73(1)
M9 SOURCE-1970 s. 73(2)
M10 SOURCE-1970 s. 73(3)
M11 SOURCE-1970 s. 73(3)
M12 SOURCE-1970 s. 73(4)

27 Deductions from rent: maintenance funds for historic buildings.

- (1)^{M13} Where a building or land which is qualifying property for the purposes of paragraph 3(1) of Schedule 4 to the^{M14} Inheritance Tax Act 1984 (maintenance funds for historic buildings) forms part of an estate in relation to which an election has effect under section 26—
- (a) the election shall not cease to have effect by reason only of another part of the estate becoming comprised in, and managed by the trustees of, a settlement in relation to which the Treasury give a direction under paragraph 1 of that Schedule, and
 - (b) while such a direction has effect that other part shall be treated as continuing to form part of the estate to which the election relates.
- (2) In any case where—
- (a) a person becomes the owner of any such building or land as is mentioned in subsection (1) above, and

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (b) that building or land, in the immediately preceding ownership, formed part of an estate in relation to which an election under section 26 had effect, any other part of that estate which continues to be or becomes comprised in a settlement of the kind mentioned in subsection (1) above shall, while such a direction as is mentioned in that subsection has effect, be treated as part of the estate in relation to which an election under section 26 may be made by him.
- (3) Where by virtue of this section an election has effect in relation to an estate part of which is comprised in a settlement—
- (a) there may be treated as deductible from the rents arising from that part—
- (i) any payments which are made in respect of the other part of the estate by the trustees of the settlement and which would be so deductible under section 25 if that part were also comprised in the settlement; and
- (ii) any payments made in respect of the other part of the estate by its owner to the extent to which they cannot be deducted by him under that section in the chargeable period in which they become due because of an insufficiency of the rents arising in that period from that part; and
- (b) any relief available to the trustees under section 33 in respect of the part of the estate comprised in the settlement shall instead be available to the owner of the other part of the estate.
- (4) Where by virtue of this section an election has effect in relation to an estate part of which is comprised in a settlement, the election shall not cease to have effect in relation to any of that part by reason of its ceasing to be comprised in that settlement if either—
- (a) it becomes comprised in another settlement in circumstances such that by virtue of paragraph 9(1) of Schedule 4 to the ^{M15}Inheritance Tax Act 1984 there is (or would but for paragraph 9(4) be) no charge to inheritance tax in respect of the property so ceasing; or
- (b) both immediately before and immediately after its so ceasing it is property in respect of which a direction has effect under paragraph 1 of that Schedule.
- (5) The inclusion by virtue of this section in an estate of property comprised in a settlement shall not be construed as requiring it to be treated as the property of the person who owns the remainder of the estate or as affecting any question as to the person entitled to the income arising from that property.

Modifications etc. (not altering text)

- C3** S. 27(3)(a) modified (with effect in accordance with s. 39(4)(5) of the modifying Act) by [Finance Act 1995 \(c. 4\), s. 39\(3\), Sch. 6 para. 6\(1\)](#)
- C4** S. 27(3)(b) modified (with effect in accordance with s. 39(4)(5) of the modifying Act) by [Finance Act 1995 \(c. 4\), s. 39\(3\), Sch. 6 para. 6\(2\)](#)

Marginal Citations

- M13** SOURCE-1980 s. 53; 1982 Sch. 10 para. 3; ITA Sch. 8 para 18
- M14** 1984 c.51.
- M15** 1984 c. 51.

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

28 Deductions from receipts other than rent.

[^{F2M16}Subject to section 122, where a person becomes entitled in a chargeable period to a sum other than rent payable under a lease, then in computing for the purposes of Schedule A the profits or gains arising to that person in that period, there shall be deducted from that sum—

- (a) so much of any payment made by that person as was made in respect of maintenance, repairs, insurance or management of premises to which the sum relates and constituted an expense of the transaction under which he became entitled to that sum;
- (b) so much of any rent, rentcharge, ground annual, feuduty or other periodical payment made by that person as was reserved in respect of, or was charged upon or issued out of, premises to which the sum relates and constituted an expense of that transaction;
- (c) so much of any other payment made by that person as constituted an expense of that transaction, not being an expense of a capital nature; and
- (d) where, in or before the chargeable period, that person entered into any like transaction, any amount which, under paragraphs (a) to (c) above, is deductible from a sum to which he is entitled under that like transaction in the period, or was deductible from a sum to which he was so entitled in a previous chargeable period but has not been deducted.]

Textual Amendments

F2 S. 28 ceases to have effect except for specified purposes (with effect in accordance with s. 39(4)(5) of the amending Act) by virtue of [Finance Act 1995 \(c. 4\)](#), s. 39(3), [Sch. 6 para. 4\(a\)](#)

Marginal Citations

M16 SOURCE-1970 ss. 71(1), 74(1)

29 Sporting rights.

[^{F3}(1) ^{M17}Subject to subsection (2) below, in any case where the person entitled to possession of any land (“the person chargeable”)—

- (a) is in the practice of granting sporting rights over the land for payment, but
 - (b) in any year of assessment, such rights are for any reason not granted by him,
- the aggregate of any amounts paid by him which, if such rights had been granted in that year (the “relevant year”), would have been deductible under section 28 from payments receivable by him in respect of the grant shall be treated for the purposes of section 25(7) as a deduction which, by virtue of section 25(3), might have been made by him from rent to which he was entitled for that year under a lease of the land, being a lease at a full rent.

(2) ^{M18}If in the relevant year sporting rights over the land are exercised—

- (a) by the person chargeable, or
- (b) by any other person at his invitation, or
- (c) where the person chargeable is a close company, by a person who is, within the meaning of Part XI, a director of, or a participator in, that company,

the aggregate referred to in subsection (1) above shall be treated as reduced by an amount equal to the price which might reasonably be expected to have been paid

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

for that exercise of the rights if the person exercising them had had to give full consideration therefor.

- (3) ^{M19}For the purposes of subsection (2) above, an exercise of sporting rights shall be disregarded if it gives rise to a charge to tax under Schedule E by virtue of section 154.
- (4) Where the person chargeable is a company, section 9(1) shall not have effect so as to require references in that subsection to a year of assessment to be read as references to an accounting period, but any deduction thereby authorised shall be apportioned between the accounting periods (if more than one) comprising the year of assessment.
- (5) In this section, “sporting rights” means rights of fowling, shooting or fishing, or of taking or killing game, deer or rabbits.]

Textual Amendments

- F3** S. 29 ceases to have effect except for specified purposes (with effect in accordance with s. 39(4)(5) of the amending Act) by virtue of Finance Act 1995 (c. 4), s. 39(3), Sch. 6 para. 4(b)

Marginal Citations

- M17** SOURCE-1970 ss. 71(1), 75(1)
M18 SOURCE-1970 s. 75(1)
M19 SOURCE-1970 s. 75(2), (3), (4); 1970 Sch. 9 para. 12

30 Expenditure on making sea walls.

- (1) ^{M20}Where in any year of assessment the owner or tenant of any premises incurs any expenditure in the making of any sea wall or other embankment necessary for the preservation or protection of the premises against the encroachment or overflowing of the sea or any tidal river, he shall be treated for the purposes of sections 25, 28 and 31 as making in that year of assessment and in each of the succeeding 20 years of assessment a payment in relation to the premises preserved or protected by the embankment of an amount equal to a twenty-first part of the expenditure and incurred in respect of dilapidation attributable to the year.
- (2) Where the whole of that person’s interest in the premises or any part thereof is transferred (whether by operation of law or otherwise) to some other person—
 - (a) the amount of the payment which he would be so treated as making for the year of assessment in which the transfer takes place shall be treated as being made partly by the transferor and partly by the transferee, as may be just; and
 - (b) the transferee shall, to the exclusion of the transferor, be treated in any subsequent year—
 - (i) where the interest transferred is in the whole of the premises, as having made the whole of the payment for that year, and
 - (ii) where the interest transferred is in part only of the premises, as having made so much of the payment as is properly referable to that part of the premises.
- (3) For the purposes of subsection (2) above, where an interest in any premises is a lease and that lease comes to an end, that interest shall be deemed to have been transferred—
 - (a) if an incoming lessee makes any payment to the outgoing lessee in respect of the embankment in question, to the incoming lessee, and

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in any other case, to the owner of the interest in immediate reversion on the lease and, in relation to Scotland, the expression “the owner of the interest in immediate reversion on the lease” shall be construed as a reference to the landlord.
- (4) In relation to a company, section 9(1) shall not have effect so as to require references in this section to a year of assessment to be read as references to an accounting period, but any deduction authorised by this section shall be apportioned between the accounting periods (if more than one) comprising the year of assessment, other than any such period ended before the expenditure is incurred, or transfer takes place, by virtue of which the company is entitled to the deduction.
- (5) This section shall not apply in relation to any expenditure in respect of which a capital allowance has been made.

Modifications etc. (not altering text)

- C5** S. 30(1) modified (with effect in accordance with s. 39(4)(5) of the modifying Act) by [Finance Act 1995 \(c. 4\), s. 39\(3\)](#), [Sch. 6 para. 7](#)
- C6** See 1979(C) s.34(4)(b)—restriction, by reference to capital allowances, of capital losses for purpose of capital gains.

Marginal Citations

- M20** SOURCE-1970 s. 76

31 Provisions supplementary to sections 25 to 30.

- [^{F4}(1) ^{M21}Schedule 1, which makes provision in relation to certain expenditure incurred before the beginning of the year 1963-64, shall have effect (and the preceding provisions of this Part shall have effect subject to that Schedule).
- (2) ^{M22}Any reference in this section to a deduction is a reference to a sum which is deductible under any of the provisions of sections 25 to 30 and Schedule 1, and any reference to a sum which can be deducted or which is deductible shall be construed accordingly.
- (3) Subject to subsections (4) to (7) below, where a sum or part of a sum can be deducted for the chargeable period in which it is paid, it shall be so deducted, and, where it cannot, it shall be deducted for the earliest chargeable period for which it can be deducted.
- (4) ^{M23}Where for any chargeable period the amount from which deductions can be made is sufficient to allow the deduction from that amount of some, but not all, of different sums or parts of sums which are deductible, the sum or parts to be deducted for that period shall in the aggregate be equal to that amount, and, subject to that requirement, shall be such as the person whose liability to tax is in question may choose.
- (5) No deduction shall be made in respect of—
- (a) a payment made by any person to the extent that the payment has been or will be—
 - (i) balanced by the receipt of insurance moneys, or
 - (ii) recovered from, or in any other manner borne by, some other person, otherwise than by means of an amount on the profits or gains arising

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

from which the first-mentioned person would be chargeable under Schedule A, or

- (b) a payment made by a person other than a company, if payable under deduction of income tax.
- (6) An amount, or part of an amount, shall not be deducted more than once from any sum, or from more than one sum, and shall not in any case be deducted if it has otherwise been allowed as a deduction in computing the income of any person for tax purposes.
- (7) Where, on account of a payment made in any chargeable period, a deduction falls to be made from any rents or receipts to which the person making the payment became entitled in a previous period, all such adjustments of liability to tax shall be made, by repayment or otherwise, as may be necessary to give effect to the deduction.]

Textual Amendments

- F4** S. 31 ceases to have effect except for specified purposes (with effect in accordance with s. 39(4)(5) of the amending Act) by virtue of Finance Act 1995 (c. 4), s. 39(3), Sch. 6 para. 4(c)

Marginal Citations

- M21** SOURCE-1970 s. 71(1)
M22 SOURCE-1970 s. 77(1); 1987 Sch. 15 para. 13
M23 SOURCE- 1970 s. 77(2)–(5)

VALID FROM 19/07/2007

[^{F5}31ZA Deduction for expenditure on energy-saving items

- (1) This section applies if—
- (a) a company carries on a Schedule A business in relation to land which consists of or includes a dwelling-house,
 - (b) the company incurs expenditure in acquiring and installing an energy-saving item in the dwelling-house or in a building containing the dwelling-house (see subsections (5) to (7)),
 - (c) the expenditure is incurred before 1st April 2015,
 - (d) a deduction for the expenditure is not prohibited by the wholly and exclusively rule but would otherwise be prohibited by the capital prohibition rule (see subsection (8)), and
 - (e) no allowance under the Capital Allowances Act may be claimed in respect of the expenditure.
- (2) In calculating the profits of the Schedule A business, a deduction for the expenditure is allowed.
- (3) But any deduction is subject to—
- (a) section 31ZB (restrictions on the relief), and
 - (b) any provision made by regulations under section 31ZC.
- (4) If, on a just and reasonable apportionment of any expenditure, part of the expenditure would qualify for the relief (but the remainder would not), a deduction is allowed for that part.

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (5) “Energy-saving item” means an item of an energy-saving nature of such description as is for the time being specified in regulations made by the Treasury.
- (6) The Treasury may by regulations provide for an item to be an energy-saving item only if it satisfies such conditions as may be—
 - (a) specified in, or
 - (b) determined in accordance with, the regulations.
- (7) The conditions may include conditions imposed by reference to information or documents issued by any body, person or organisation.
- (8) In this section—

“the capital prohibition rule” means the rule in section 74(1)(f) or (g) (capital expenditure), as applied by section 21A, and

“the wholly and exclusively rule” means the rule in section 74(1)(a) or (e) (expenses not wholly and exclusively for trade and unconnected losses), as applied by section 21A.]

Textual Amendments

- F5** Ss. 31ZA-31ZC inserted (with effect in accordance with s. 17(2) of the amending Act) by Finance Act 2007 (c. 11), s. 17(1); S.I. 2008/1521, art. 2

VALID FROM 19/07/2007

[^{F5}31ZB Restrictions on relief

- (1) This section restricts deductions that would otherwise be allowable under section 31ZA.
- (2) No deduction is allowed if, when the energy-saving item is installed, the dwelling-house—
 - (a) is in the course of construction, or
 - (b) is comprised in land in which the company does not have an interest or is in the course of acquiring an interest or further interest.
- (3) No deduction is allowed in respect of expenditure in an accounting period if—
 - (a) the Schedule A business consists of or includes the commercial letting of furnished holiday accommodation for the purposes of section 503, and
 - (b) the dwelling-house constitutes some or all of that accommodation for the accounting period.
- (4) No deduction is allowed in respect of expenditure treated by section 401 (as applied by section 21B) as incurred on the date on which the company starts to carry on the Schedule A business unless the expenditure was incurred not more than 6 months before that date.

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (5) No deduction is allowed in respect of expenditure incurred in acquiring and installing the energy-saving item in a building containing the dwelling-house in so far as the expenditure is not for the benefit of the dwelling-house.]

Textual Amendments

- F5** Ss. 31ZA-31ZC inserted (with effect in accordance with s. 17(2) of the amending Act) by Finance Act 2007 (c. 11), s. 17(1); S.I. 2008/1521, art. 2

VALID FROM 19/07/2007

[^{F5}31ZC Regulations

- (1) In relation to any deduction under section 31ZA, the Treasury may make regulations for—
- (a) restricting or reducing the amount of expenditure for which the deduction is allowable,
 - (b) excluding entitlement to the deduction in such cases as may be specified in, or determined in accordance with, the regulations,
 - (c) determining who is (and is not) entitled to the deduction if different persons have different interests in land that consists of or includes the whole or part of a building containing one or more dwelling-houses,
 - (d) making apportionments if the Schedule A business is carried on by persons in partnership or an interest in land is beneficially owned by persons jointly or in common.
- (2) The apportionments that may be made include apportionments to persons within the charge to income tax.
- (3) Regulations under this section may—
- (a) make different provision for different cases, and
 - (b) contain incidental, supplemental, consequential and transitional provision and savings (including provision as to appeals in relation to apportionments mentioned in subsection (1)(d)).]

Textual Amendments

- F5** Ss. 31ZA-31ZC inserted (with effect in accordance with s. 17(2) of the amending Act) by Finance Act 2007 (c. 11), s. 17(1); S.I. 2008/1521, art. 2

VALID FROM 22/07/2004

[^{F6}31A Deductions for expenditure by landlords on energy-saving items

- (1) This section applies to a Schedule A business if the land mentioned in paragraph 1(1) of Schedule A consists of or includes a dwelling-house.

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In computing for the purposes of income tax the profits of a Schedule A business to which this section applies, a deduction shall be allowed in respect of any expenditure to which subsection (3) applies.

That is subject to any provision of regulations under subsection (13).

- (3) This subsection applies to expenditure as respects which the numbered conditions set out in the following provisions of this section (“the qualifying conditions”) are satisfied.
- (4) Condition 1 is that the expenditure is incurred in the provision of a qualifying energy-saving item in the dwelling-house.
- (5) Condition 2 is that the expenditure is incurred on or after 6th April 2004 but before 6th April 2009.
- (6) Condition 3 is that the expenditure is incurred wholly and exclusively for the purposes of the Schedule A business.
- (7) Condition 4 is that the expenditure is capital expenditure.
- (8) Condition 5 is that, apart from this section, the expenditure is not deductible in computing the profits of the Schedule A business.
- (9) Condition 6 is that no allowance under the Capital Allowances Act may be claimed in respect of the expenditure.
- (10) Condition 7 is that the expenditure is not incurred in respect of the provision of an item in a dwelling-house which, at the time when the item is installed,—
- (a) is in the course of construction, or
 - (b) is comprised in land in which the person claiming the deduction under this section does not have an interest or is in the course of acquiring an interest or further interest.
- (11) Condition 8 is that for the purposes of section 503 (letting of furnished holiday accommodation to be treated as a trade for certain purposes) either—
- (a) the Schedule A business does not consist to any extent in the commercial letting of furnished holiday accommodation, or
 - (b) if it does so consist to any extent, the dwelling-house does not constitute any or all of the furnished holiday accommodation in question.
- (12) Condition 9 is that the income of the person claiming the deduction is not computed in accordance with paragraph 9 or 11 of Schedule 10 to the Finance (No. 2) Act 1992 (furnished accommodation) in respect of any qualifying residence which consists of or includes the dwelling-house.
- (13) The Treasury may by regulations make provision for any of the following purposes—
- (a) restricting or reducing the amount of expenditure in respect of which deductions may be claimed under this section;
 - (b) excluding entitlement to a deduction under this section in such cases as may be specified in, or determined in accordance with, the regulations;
 - (c) determining which of two or more persons is (and which is not) entitled to a deduction under this section in cases where different persons have different interests in land consisting of or including the whole or part of a building containing one or more dwelling-houses;

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (d) making apportionments (including apportioning amounts to companies which are not entitled to a deduction under this section) in cases where—
- (i) a Schedule A business is carried on by two or more persons in partnership, or
 - (ii) an interest in land is beneficially owned by two or more persons jointly or in common.

(14) Section 31B supplements this section.]

Textual Amendments

- F6** Ss. 31A, 31B inserted (with effect in accordance with s. 143(2) of the amending Act) by Finance Act 2004 (c. 12), s. 143(1)

VALID FROM 22/07/2004

^{F6}31B Provisions supplementary to section 31A

- (1) This section has effect for the purpose of supplementing section 31A and shall be construed as one with that section.
- (2) Section 31A does not have effect for the purposes of corporation tax.
- (3) No deduction may be made under section 31A unless a claim is made.
- (4) Where, on a just and reasonable apportionment of any expenditure, the qualifying conditions—
 - (a) would be satisfied as respects some part or parts of the expenditure, but
 - (b) would not be satisfied as respects the remainder of the expenditure,
 a deduction under section 31A shall be allowed in respect of the part or parts mentioned in paragraph (a) but not in respect of the remainder.

Any such deduction is subject to, and must be in accordance with, the other provisions of this section and regulations under section 31A(13).

- (5) Expenditure incurred by a person—
 - (a) for the purposes of a Schedule A business, but
 - (b) before the time when he begins to carry on that business,
 is not deductible under section 31A by virtue of section 401 (relief for pre-trading expenditure) unless the expenditure is incurred not more than 6 months before that time (and on or after 6th April 2004).

The reference to section 401 is a reference to that section as it applies for the purposes of Schedule A in relation to a Schedule A business by virtue of section 21B.

- (6) “Qualifying energy-saving items” are items of any of the following descriptions—
 - (a) cavity wall insulation;
 - (b) loft insulation.
- (7) The Treasury may by regulations amend subsection (6)—
 - (a) by adding further descriptions of items; or

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

(b) by removing or varying descriptions of items.

- (8) The Treasury may by regulations provide that an item is to be regarded as an item of any particular description in subsection (6) only if it satisfies such conditions as may be specified in, or determined in accordance with, the regulations.
- (9) The conditions that may be imposed by regulations under subsection (8) include conditions imposed by reference to information or documents issued by any body, person or organisation.
- (10) The provision that may be made by regulations under this section or section 31A which are made on or before 31st December 2004 includes provision—
- (a) having effect before the date on which the regulations are made, or
 - (b) having effect in relation to expenditure incurred before that date.
- (11) Any reference to the provision of a qualifying energy-saving item is a reference to the acquisition of such an item and its installation in the dwelling-house.]

Textual Amendments

- F6** Ss. 31A, 31B inserted (with effect in accordance with s. 143(2) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), s. 143(1)

32 Capital allowances for machinery and plant used in estate management.

F7

Textual Amendments

- F7** S. 32 repealed (with effect as mentioned in Sch. 15 para. 9(1) of the repealing Act) by [Finance Act 1997 \(c. 16\)](#), ss. 85, 113, Sch. 15 para. 1, [Sch. 18 Pt. 06\(11\)](#), Note

33 Agricultural land: allowance for excess expenditure on maintenance.

- [^{F8}(1) Where in the case of an estate which consists of or includes agricultural land—
- (a) ^{M24}provision is made in sections 25 to 32 for the deduction of a sum in respect of payments in a chargeable period for maintenance, repairs, insurance or management of the estate, or in respect of allowances for machinery or plant provided for use or used on the estate, and
 - (b) owing to the insufficiency of rents and receipts to which the owner of the estate becomes entitled in that period, whether from the estate or from other property, the sum in question cannot be deducted (other amounts deductible under Schedule A being treated as deductible in priority thereto),
- then, subject to subsection (2) below, the sum in question shall be treated as if it were the amount of an allowance falling to be made under [^{F9}the 1990 Act] by way of discharge or repayment of tax, and available primarily against agricultural income as defined in [^{F9}section 133] of that Act.
- (2) The sum in question shall not exceed the sum which would have fallen to be so treated if—

Status: Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the estate had not included such parts thereof as were used wholly for purposes other than purposes of husbandry, and
- (b) payments or allowances in respect of parts thereof which were used partly for purposes of husbandry and partly for other purposes were reduced to an extent corresponding to the extent to which those parts were used for other purposes.
- (3) ^{M25}In this section—
- “agricultural land” means land, houses or other buildings in the United Kingdom occupied wholly or mainly for the purposes of husbandry; and
- “estate” means any land (including any houses or other buildings) managed as one estate.

[^{F10}(4) Sections 141 and 145 of the 1990 Act shall apply as if this section were contained in Part V of that Act.]]

Textual Amendments

- F8** S. 33 ceases to have effect except for specified purposes (with effect in accordance with s. 39(4)(5) of the amending Act) by virtue of Finance Act 1995 (c. 4), s. 39(3), Sch. 6 para. 4(d)
- F9** 1990(C) s.164 and Sch.1 para.8(3)(a). *Previously*
“the 1968 Act”
and
“section 69”
respectively.
- F10** 1990(C) s.164 and Sch.1 para.8(3)(b). *Previously*
“(4) Sections 71 and 74 of the 1968 Act shall apply as if this section were contained in Part I of that Act.”.

Modifications etc. (not altering text)

- C7** See 1979(C) s.34(4)(a)—*allowance under s.33 not to be treated as a capital allowance in computing capital losses.*

Marginal Citations

- M24** SOURCE-1970 s. 79(1); 1987 Sch. 15 para. 13
- M25** SOURCE-1970 s. 79(2)

Status:

Point in time view as at 19/03/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income and Corporation Taxes Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations.