

SCHEDULES

SCHEDULE 29

CHARGEABLE GAINS: NON-RESIDENT COMPANIES AND GROUPS ETC.

PART III

TRANSITIONAL PROVISIONS

- 46 (1) For the purposes of this paragraph—
- (a) references to a company which was a member of an old group are references to it being, immediately before the time when the main amendments have effect in accordance with the preceding provisions of this Schedule, a member of a group for the purposes of section 170 of the ^{M1}Taxation of Chargeable Gains Act 1992 (as it stood before the main amendments), and
 - (b) references to a company which is a member of a new group are references to it being, immediately after that time, a member of a group for the purposes of that section (as amended by the main amendments).
- (2) Where the same two or more companies were members of an old group and are members of a new group, those groups shall be regarded as the same group for the purposes of the provisions amended by this Schedule in relation to which the main amendments have effect.
- (3) Sub-paragraph (2) above applies irrespective of whether the new group includes companies which were not members of the old group.
- (4) Sub-paragraph (5) below applies in relation to a company which—
- (a) was a member of an old group, but
 - (b) is not a member of a new group by reason only that—
 - (i) the principal company of the old group is not the principal company of the new group, and
 - (ii) the company in question is not an effective 51 per cent subsidiary of the principal company of the new group.
- (5) For the purposes of the provisions amended by this Schedule in relation to which the main amendments have effect, section 170(3)(b) of the Taxation of Chargeable Gains Act 1992 shall not apply in relation to the company for so long as it remains an effective 51 per cent subsidiary of the company which was the principal company of the old group.
- (6) Expressions used in this paragraph and in section 170 of the ^{M2}Taxation of Chargeable Gains Act 1992 shall be construed for the purposes of this paragraph in accordance with that section.

*Changes to legislation: There are currently no known outstanding effects
for the Finance Act 2000, Part III. (See end of Document for details)*

Marginal Citations

M1 1992 c. 12.

M2 1992 c. 12.

De-grouping charge: deferral until company leaves new group

[^{F1}47] (1) This paragraph has effect for the purposes of section 179 of the Taxation of Chargeable Gains Act 1992 as that section has effect in relation to assets acquired before 1st April 2000 (“old section 179”).

(2) Where—

- (a) a company would (apart from this paragraph) fall to be regarded for the purposes of old section 179 as ceasing to be a member of an old group at any time, but
- (b) immediately before that time, it is also a member of a new group for the purposes of new section 179,

the company shall not be regarded for the purposes of old section 179 as ceasing to be a member of the old group unless or until it also ceases to be a member of the new group for the purposes of new section 179.

- (3) Sub-paragraph (2) above does not prevent the company from being or becoming a member of another old group at any time.
- (4) Where a company ceases to be a member of a new group on any occasion, it shall not by virtue of sub-paragraph (2) above be treated for the purposes of old section 179 as if it had on that occasion ceased to be a member of the same old group more than once.

(5) For the purposes of this paragraph—

- (a) references to a company being a member of an old group are references to its being, for the purposes of old section 179, a member of a group of companies within the meaning given by old section 170;
- (b) references to a company being a member of a new group are references to its being, for the purposes of new section 179, a member of a group of companies within the meaning given by new section 170; and
- (c) references to a company ceasing to be a member of an old group or a new group shall be construed in accordance with paragraph (a) or (b) above, as the case may be.

(6) Where, for the purposes of sub-paragraph (2)(b) above, a company is not a member of a new group by reason only that—

- (a) the principal company of the old group is not the principal company of the new group, and
- (b) the company in question is not an effective 51 per cent subsidiary of the principal company of the new group,

subsection (3)(b) of new section 170 shall not apply in relation to the company for the purposes of this paragraph for so long as it remains an effective 51 per cent subsidiary of the company which was the principal company of the old group.

(7) In this paragraph—

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2000, Part III. (See end of Document for details)

- (a) “new section 179” means section 179 of the Taxation of Chargeable Gains Act 1992 (c. 12) as it has effect in relation to assets acquired on or after 1st April 2000;
 - (b) “new section 170” means section 170 of that Act, as amended by the main amendments;
 - (c) “old section 170” means section 170 of the Taxation of Chargeable Gains Act 1992, as it stands before the main amendments.
- (8) Expressions used in this paragraph and in section 170 of the Taxation of Chargeable Gains Act 1992 shall be construed in accordance with that section.]

Textual Amendments

F1 Sch. 29 para. 47 added (*retrospectively*) by 2001 c. 9, s. 79

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2000, Part III.