



Finance Act 2002

2002 CHAPTER 23

PART 3

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER 2

OTHER PROVISIONS

Employment income and related matters

^{F1}33 **Employer-subsidised public transport bus services**

.....

Textual Amendments

- F1** Ss. 33-37 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

^{F1}34 **Car fuel: calculation of cash equivalent of benefit**

.....

Textual Amendments

- F1** Ss. 33-37 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

F135 Statutory paternity pay and statutory adoption pay

.....

Textual Amendments
F1 Ss. 33-37 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with [Sch. 7](#))

F136 Exemption of minor benefits: application to non-cash vouchers

.....

Textual Amendments
F1 Ss. 33-37 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with [Sch. 7](#))

F137 Minor amendments to Schedule E charge

.....

Textual Amendments
F1 Ss. 33-37 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with [Sch. 7](#))

F238 Provision of services through an intermediary: minor amendments

.....

Textual Amendments
F2 [S. 38](#) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with [Sch. 2 Pts. 1, 2](#))

F339 Employee share ownership plans: minor amendments

.....

Textual Amendments
F3 S. 39 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with [Sch. 7](#))

40 Treatment of deductions from payments to sub-contractors

^{F4}(1).....

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

(2) In section 829 of the Taxes Act 1988 (application of Income Tax Acts to public departments), after subsection (2) insert—

“(2A) Subsections (1) and (2) above have effect in relation to Chapter 4 of Part 13 of this Act (sub-contractors in the construction industry) as if the whole of any deduction required to be made under section 559 were in all cases a deduction of income tax.”.

^{F5}(3)

(4) This section has effect in relation to deductions made under section 559 of the Taxes Act 1988 on or after 6th April 2002.

^{F6}

Textual Amendments

F4 S. 40(1) repealed (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(7\)](#)

F5 S. 40(3) repealed (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(7\)](#)

F6 Words in s. 40(4) repealed (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(7\)](#)

^{F7}**41 Parliamentary visits to EU candidate countries: tax treatment of members' expenses**

.....

Textual Amendments

F7 S. 41 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

Chargeable gains

42 Reallocation within group of gain or loss accruing under section 179

(1) After section 179 of the Taxation of Chargeable Gains Act 1992 (c. 12) (company ceasing to be member of group) insert—

“179A Reallocation within group of gain or loss accruing under section 179

(1) This section applies where—

- (a) a company (“company A”) is treated by virtue of section 179(3) or (6) as having sold and immediately reacquired an asset at market value, and
- (b) a chargeable gain or an allowable loss accrues to the company on the deemed sale.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (2) In this section “time of accrual” means—
- (a) in a case where section 179(3) applies, the time at which, by virtue of section 179(4), the gain or loss referred to in subsection (1) above is treated as accruing to company A;
 - (b) in a case where section 179(6) applies, the latest time at which the company satisfies the conditions in section 179(7).
- (3) If—
- (a) a joint election under this section is made by company A and a company (“company C”) that was a member of the relevant group at the time of accrual, and
 - (b) the conditions in subsections (6) to (8) below are all met,
- the chargeable gain or allowable loss accruing on the deemed sale, or such part of it as may be specified in the election, shall be treated as accruing not to company A but to company C.
- (4) In subsection (3) above “the relevant group” means—
- (a) in a case where section 179(3) applies, the group of which company A was a member at the time of accrual;
 - (b) in a case where section 179(6) applies, the second group referred to in section 179(5).
- (5) Where two or more elections are made each specifying a part of the same gain or loss, the total amount specified may not exceed the whole of that gain or loss.
- (6) The first condition is that, at the time of accrual, company C—
- (a) was resident in the United Kingdom, or
 - (b) owned assets that were chargeable assets in relation to it.
- (7) The second condition is that neither company A nor company C was at that time a qualifying friendly society within the meaning given by section 171(5)).
- (8) The third condition is that company C was not at that time an investment trust, a venture capital trust or a dual resident investing company.
- (9) A gain or loss treated by virtue of this section as accruing to a company that is not resident in the United Kingdom shall be treated as accruing in respect of a chargeable asset held by that company.
- (10) An election under this section must be made—
- (a) by notice to an officer of the Board;
 - (b) no later than two years after the end of the accounting period of company A in which the time of accrual fell.
- (11) Any payment by company A to company C, or by company C to company A, in pursuance of an agreement between them in connection with the election—
- (a) shall not be taken into account in computing profits or losses of either company for corporation tax purposes, and
 - (b) shall not for any purposes of the Corporation Tax Acts be regarded as a distribution or a charge on income,
- provided it does not exceed the amount of the chargeable gain or allowable loss that is treated, as a result of the election, as accruing to company C.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (12) For the purposes of this section an asset is a “chargeable asset” in relation to a company at a particular time if any gain accruing to the company on a disposal of the asset by the company at that time would be a chargeable gain and would by virtue of section 10(3) form part of its chargeable profits for corporation tax purposes.”.
- (2) In Schedule 7B to that Act (modification of Act in relation to overseas life insurance companies), immediately before paragraph 8 insert—
- “7A In section 179A(12), the words “section 11(2)(b), (c) or (d) of the Taxes Act” shall be treated as substituted for “section 10(3)”.”.
- (3) In section 97(1) of the Inheritance Tax Act 1984 (c. 51) (transfers within group, etc)—
- (a) after sub-paragraph (ii) of paragraph (a) insert “or—
- (iii) an election under section 179A of that Act as a result of which a chargeable gain is treated as accruing to the transferor company instead of to another member of the group, or an allowable loss is treated as accruing to another member of the group instead of to the transferor company,”;
- (b) in paragraph (aa) for “the deemed transfer” substitute “ the election ”.
- (4) This section applies—
- (a) in relation to a case where a company is treated by virtue of section 179(3) of the Taxation of Chargeable Gains Act 1992 (c. 12) as having sold and immediately reacquired an asset, where the company’s ceasing to be a member of the group in question happens on or after 1st April 2002;
- (b) in relation to a case where a company is so treated by virtue of section 179(6) of that Act, where the relevant time (within the meaning of that subsection) is on or after that date.

43 Roll-over of degrouping charge on business assets

- (1) After section 179A of the Taxation of Chargeable Gains Act 1992 (c. 12) (inserted by section 42 above) insert—

“179B Roll-over of degrouping charge on business assets

- (1) Where a company is treated by virtue of section 179(3) or (6) as having sold and immediately reacquired an asset at market value, relief under section 152 or 153 (roll-over relief on replacement of business assets) is available in accordance with this section in relation to any gain accruing to the company on the deemed sale.
- (2) For this purpose, sections 152 and 153 and the other enactments specified in Schedule 7AB apply with the modifications set out in that Schedule.
- (3) Where there has been an election under section 179A, any claim for relief available in accordance with this section must be made by company C rather than company A.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (4) For this purpose, the enactments modified by Schedule 7AB have effect as if—
- (a) references to company A, except those in sections 152(1)(a) and (1B), 153(1B), 153A(5), 159(1), 175 and 198(1), were to company C;
 - (b) the references to “that company” in section 159(1) and “the company” in section 185(3)(b) were to company C;
 - (c) the reference to “that trade” in section 198(1) were to a ring fence trade carried on by company C.
- (5) Where there has been an election under section 179A in respect of part only of the chargeable gain accruing on the deemed sale of an asset, the enactments modified by Schedule 7AB and subsections (3) and (4) above apply as if the deemed sale had been of a separate asset representing a corresponding part of the asset; and any necessary apportionments shall be made accordingly.
- (6) A reference in this section to company A or to company C is to the company referred to as such in section 179A.”.
- (2) After Schedule 7AA to the 1992 Act insert the Schedule 7AB set out in Schedule 7 to this Act.
- (3) In section 86(2) of the Finance Act 1993 (c. 34) (roll-over relief: power to amend section 155 of the 1992 Act by order), at the end add—
- “Any such order may make such consequential amendments of Schedule 7AB as appear to the Treasury to be appropriate.”.
- (4) This section applies—
- (a) in relation to a case where a company is treated by virtue of section 179(3) of the 1992 Act as having sold and immediately reacquired an asset, where the company’s ceasing to be a member of the group in question happens on or after 1st April 2002;
 - (b) in relation to a case where a company is so treated by virtue of section 179(6) of that Act, where the relevant time (within the meaning of that subsection) is on or after that date.

44 Exemptions for disposals by companies with substantial shareholding

- (1) In Chapter 1 of Part 6 of the Taxation of Chargeable Gains Act 1992 (c. 12) (provisions relating to chargeable gains of companies), after section 192 insert—

“Disposals by companies with substantial shareholding

192A Exemptions for gains or losses on disposal of shares etc

Schedule 7AC (exemptions for disposal of shares etc by companies with substantial shareholding) has effect.”.

- (2) Schedule 8 to this Act (exemptions for disposals by companies with substantial shareholding) has effect.

In that Schedule—

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Part 1 contains Schedule 7AC to be inserted after Schedule 7AB to the Taxation of Chargeable Gains Act 1992 (c. 12) (inserted by Schedule 7 to this Act); and Part 2 contains consequential amendments.

- (3) This section and Schedule 8 to this Act apply in relation to disposals on or after 1st April 2002.
- (4) Paragraph 38 of the Schedule 7AC inserted by that Schedule (degrouching: time when deemed sale and reacquisition treated as taking place) has effect where the time of degrouching or relevant time (as defined for the purposes of that paragraph) is on or after that date.
- (5) The amendment made by paragraph 2 of Schedule 8 to this Act has effect where the company in question ceases to be a member of the group in question on or after that date.

45 Share exchanges and company reconstructions

- (1) Schedule 9 to this Act (chargeable gains: share exchanges and company reconstructions) has effect.
- (2) In that Schedule—
 - Part 1 provides for the replacement of sections 135 and 136 of the Taxation of Chargeable Gains Act 1992;
 - Part 2 makes consequential amendments; and
 - Part 3 provides for commencement.

^{F8}46 Taper relief: holding period for business assets

.....

Textual Amendments

- F8** S. 46 omitted (with effect in accordance with Sch. 2 para. 56(3) of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 2 para. 55(e)(i)

^{F9}47 Taper relief: minor amendments

.....

Textual Amendments

- F9** S. 47 omitted (with effect in accordance with Sch. 2 para. 56(3) of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 2 para. 55(e)(i)

^{F10}48 Use of trading losses against chargeable gains

.....

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Textual Amendments

F10 S. 48 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

49 Election to forgo roll-over relief on transfer of business

- (1) After section 162 of the Taxation of Chargeable Gains Act 1992 (c. 12) (roll-over relief on transfer of business) insert—

“162A Election for section 162 not to apply

- (1) Section 162 shall not apply where the transferor makes an election under this section.
- (2) An election under this section must be made by a notice given to an officer of the Board no later than the relevant date.
- (3) Except where subsection (4) below applies, the relevant date is the second anniversary of the 31st January next following the year of assessment in which the transfer of the business took place.
- (4) Where, by the end of the year of assessment following the one in which the transfer of the business took place, the transferor has disposed of all the new assets, the relevant date is the first anniversary of the 31st January next following the year of assessment in which the transfer of the business took place.
- (5) For the purposes of subsection (4) above—
 - (a) a disposal of any of the new assets by the transferor shall be disregarded if it falls within section 58(1) (transfers between husband and wife); but
 - (b) where a disposal of any assets to a person is disregarded by virtue of paragraph (a) above, a subsequent disposal by that person of any of those assets (other than a disposal to the transferor) shall be regarded as a disposal by the transferor.
- (6) All such adjustments shall be made, whether by way of discharge or repayment of tax, the making of assessments or otherwise, as are required to give effect to an election under this section.
- (7) Where, immediately before it was transferred, the business was owned by two or more persons—
 - (a) each of them has a separate entitlement to make an election under this section;
 - (b) an election made by a person by virtue of paragraph (a) above shall apply only to—
 - (i) the share of the amount of the gain on the old assets, and
 - (ii) the share of the new assets,
 that is attributable to that person for the purposes of this Act.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (8) The reference in subsection (7) above to ownership by two or more persons includes, in Scotland as well as elsewhere in the United Kingdom, a reference to ownership by a partnership consisting of two or more persons.
- (9) Expressions used in this section and in section 162 have the same meaning in this section as in that one.

But references in this section to new assets also include any shares or debentures that are treated by virtue of one or more applications of section 127 (including that section as applied by virtue of any enactment relating to chargeable gains) as the same asset as the new assets.”.

- (2) This section applies in relation to a transfer of a business on or after 6th April 2002.

50 Shares acquired on same day: election for alternative treatment

- (1) After section 105 of the Taxation of Chargeable Gains Act 1992 (c. 12) (disposal on or before day of acquisition of shares and other unidentified assets) insert—

“105A Shares acquired on same day: election for alternative treatment

- (1) Subsection (2) below applies where an individual—
 - (a) acquires shares (“the relevant shares”) of the same class, on the same day and in the same capacity, and
 - (b) some of the relevant shares (“the approved-scheme shares”) are shares acquired by him as a result of—
 - (i) the exercise of a qualifying option within the meaning of paragraph 1(1) of Schedule 14 to the Finance Act 2000 (enterprise management incentives) in circumstances where paragraph 44, 45 or 46 of that Schedule (exercise of option to acquire shares) applies, or
 - (ii) the exercise of an option to which subsection (1) of section 185 of the Taxes Act (approved share option schemes) applies in circumstances where paragraphs (a) and (b) of subsection (3) of that section apply.
- (2) Where the individual first makes a disposal of any of the relevant shares, he may elect for subsections (3) to (5) below to have effect in relation to that disposal and all subsequent disposals of any of those shares.
- (3) In circumstances where section 105 applies, that section shall have effect as if—
 - (a) paragraph (a) of subsection (1) of that section required the approved-scheme shares to be treated as acquired by the individual by a single transaction separate from the remainder of the relevant shares (which shall also be treated by virtue of that paragraph as acquired by the individual by a single transaction), and
 - (b) subsection (1) of that section required the approved-scheme shares to be treated as disposed of after the remainder of the relevant shares.
- (4) If the relevant shares include shares to which relief under Chapter 3 of Part 7 of the Taxes Act or deferral relief (within the meaning of Schedule 5B to this Act) is attributable—

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (a) paragraph 4(4) of that Schedule has effect as if it required the approved-scheme shares falling within paragraph (a), (b), (c) or (d) of that provision to be treated as disposed of after the remainder of the relevant shares falling within the paragraph in question, and
- (b) section 299 of the Taxes Act has effect for the purposes of section 150A(4) below as if it required—
 - (i) the approved-scheme shares falling within paragraph (a), (b), (c) or (d) of subsection (6A) of section 299 of that Act to be treated as disposed of after the remainder of the relevant shares falling within the paragraph in question, and
 - (ii) the approved-scheme shares to which subsection (6B) of that section applies to be treated as disposed of after the remainder of the relevant shares to which that subsection applies.
- (5) Where section 127 applies in relation to any of the relevant shares (“the reorganisation shares”), that section shall apply separately to such of those shares as are approved-scheme shares and to the remainder of the reorganisation shares (so that those approved-scheme shares and the remainder of the reorganisation shares are treated as comprised in separate holdings of original shares and identified with separate new holdings).
- (6) In subsection (5)—
 - (a) the reference to section 127 includes a reference to that section as it is applied by virtue of any enactment relating to chargeable gains, and
 - (b) “original shares” and “new holding” have the same meaning as in section 127 or (as the case may be) that section as applied by virtue of the enactment in question.
- (7) For the purposes of subsection (1) above—
 - (a) any shares to which relief under Chapter 3 of Part 7 of the Taxes Act is attributable and which were transferred to an individual as mentioned in section 304 of that Act, and
 - (b) any shares to which deferral relief (within the meaning of Schedule 5B to this Act), but not relief under that Chapter, is attributable and which were acquired by an individual on a disposal to which section 58 above applies,
 shall be treated as acquired by the individual on the day on which they were issued.
- (8) In this section the references to Chapter 3 of Part 7, section 299 and section 304 of the Taxes Act shall be read as references to those provisions as they apply to shares issued after 31st December 1993 (enterprise investment scheme).

105B Provision supplementary to section 105A

- (1) The provisions of section 105A have effect in the case of any disposal notwithstanding that some or all of the securities disposed of are otherwise identified—
 - (a) by the disposal, or
 - (b) by a transfer or delivery giving effect to it.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

(2) An election must be made, by a notice given to an officer of the Board, on or before the first anniversary of the 31st January next following the year of assessment in which the individual first makes a disposal of any of the relevant shares.

(3) Where—

- (a) an election is made in respect of the relevant shares, and
- (b) any shares (“the other shares”) acquired by the individual on the same day and in the same capacity as the relevant shares cease to be treated under section 104(4) as shares of a different class from the relevant shares,

the election shall have effect in respect of the other shares from the time they cease to be so treated.

(4) In determining for the purposes of section 105A(2) and subsection (2) above whether the individual has made a disposal of any of the relevant shares, sections 122(1) and 128(3) shall be disregarded.

(5) No election may be made in respect of ordinary shares in a venture capital trust.

For this purpose “ordinary shares” has the meaning given in section 151A(7).

(6) For the purposes of section 105A, shares in a company shall not be treated as being of the same class unless they are so treated by the practice of a recognised stock exchange, or would be so treated if dealt with on that recognised stock exchange.

(7) In section 105A(2) to (5) and subsections (2) to (4) above, any reference to the relevant shares or to the approved-scheme shares includes a reference to the securities (if any) directly or indirectly derived from the shares in question by virtue of one or more applications of section 127 (including that section as applied by virtue of any enactment relating to chargeable gains).

(8) In this section—

“the approved-scheme shares” has the same meaning as in section 105A;

“election” means an election under that section;

“the relevant shares” has the same meaning as in that section; and

“securities” has the meaning given in section 104(3);

and in subsection (4) the reference to section 128(3) includes a reference to that provision as it is applied by virtue of any enactment relating to chargeable gains.”

(2) The amendment made by subsection (1) has effect in relation to shares acquired by an individual on or after 6th April 2002.

(3) For this purpose—

- (a) any shares to which relief under Chapter 3 of Part 7 of the Taxes Act 1988 is attributable and which were transferred to an individual as mentioned in section 304 of that Act, and
- (b) any shares to which deferral relief (within the meaning of Schedule 5B to the Taxation of Chargeable Gains Act 1992 (c. 12)), but not relief under that

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Chapter, is attributable and which were acquired by an individual on a disposal to which section 58 of that Act applies,
shall be treated as acquired by the individual on the day on which they were issued.

- (4) In subsection (3)(a), the references to Chapter 3 of Part 7 and section 304 of the Taxes Act 1988 shall be read as references to those provisions as they apply to shares issued after 31st December 1993 (enterprise investment scheme).

51 Deduction of personal losses from gains treated as accruing to settlors

Schedule 11 to this Act (deduction of personal losses from gains treated as accruing to settlors) has effect.

52 Capital gains tax: variation of dispositions taking effect on death

- (1) In section 62(7) of the Taxation of Chargeable Gains Act 1992 (c. 12) (election to treat subsequent variation of dispositions taking effect on death as if effected by deceased) for the words from “unless” to the end of the subsection substitute “ unless the instrument contains a statement by the persons making the instrument to the effect that they intend the subsection to apply to the variation. ”.
- (2) This section applies in relation to instruments made on or after 1st August 2002.

New reliefs

^{F11}53 Tax relief for expenditure on research and development

.....

Textual Amendments

- F11** S. 53 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 527](#), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))

^{F12}54 Tax relief for expenditure on vaccine research etc

.....

Textual Amendments

- F12** S. 54 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 528](#), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))

^{F13}55 Gifts of medical supplies and equipment

.....

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Textual Amendments

F13 S. 55 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), Sch. 1 para. 529, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

56 R&D tax relief for small and medium-sized enterprises: minor and consequential amendments

Schedule 15 to this Act (which makes minor amendments to Schedule 20 to the Finance Act 2000 (tax relief for R&D expenditure of small and medium-sized enterprises), including amendments consequential on Schedules 12 and 13 to this Act) has effect for accounting periods ending on or after 1st April 2002.

57 Community investment tax relief

^{F14}(1)

- (2) Schedule 17 to this Act (which makes provision consequential on the introduction of community investment tax relief) has effect.
- (3) Schedules 16 and 17 shall come into force on such day as the Treasury may by order appoint.
- (4) On and after that day—
 - (a) Schedule 16 shall have effect in relation to—
 - (i) investments made on or after such day as the Treasury may so appoint, being a day not earlier than 17th April 2002, and
 - (ii) claims made on or after such day as the Treasury may so appoint,
 - (b) paragraphs 2 to 4 of Schedule 17 shall have effect for years of assessment ending on or after the day appointed under paragraph (a)(i), and
 - (c) paragraph 5 of that Schedule shall have effect for accounting periods ending on or after that day.

Textual Amendments

F14 S. 57(1) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), Sch. 1 para. 369, **Sch. 3 Pt. 1** (with Sch. 2)

^{F15}**58 Relief for community amateur sports clubs**

.....

Textual Amendments

F15 S. 58 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), Sch. 1 para. 370, **Sch. 3 Pt. 1** (with Sch. 2)

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Capital allowances and related matters

59 Cars with low carbon dioxide emissions

Schedule 19 to this Act (first-year allowances in respect of expenditure on cars with low CO₂ emissions and exemption from single asset pool rules) has effect in relation to expenditure incurred on or after 17th April 2002.

^{F16}60 Expense of hiring cars with low carbon dioxide emissions

.....

Textual Amendments

F16 S. 60 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))

61 Plant or machinery for gas refuelling station: first-year allowances

Schedule 20 to this Act (first-year allowances in respect of expenditure on plant or machinery for gas refuelling station) has effect in relation to expenditure incurred on or after 17th April 2002.

^{F17}62 Expenditure on green technologies: leasing

.....

Textual Amendments

F17 S. 62 repealed (with effect in accordance with Sch. 26 Pt. 3(13) Note of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 26 Pt. 3\(13\)](#)

63 First-year allowances for expenditure wholly for a ring fence trade

- (1) Schedule 21 to this Act shall have effect.
- (2) In that Schedule—
 - (a) Part 1 makes provision for and in connection with first-year allowances under Part 2 of the Capital Allowances Act 2001 in respect of expenditure incurred by a company on the provision of plant or machinery for use wholly for the purposes of a ring fence trade chargeable to tax under [^{F18}section 330(1) of the Corporation Tax Act 2010]; and
 - (b) Part 2 makes provision for and in connection with first-year allowances under Part 5 of that Act (mineral extraction allowances) in respect of expenditure incurred by a company wholly for the purposes of such a trade.
- (3) The amendments made by that Schedule have effect in relation to expenditure incurred on or after 17th April 2002.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Textual Amendments

F18 Words in s. 63(2)(a) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 371** (with Sch. 2)

Computation of profits

F19 64 Adjustment on change of basis

.....

Textual Amendments

F19 S. 64 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 530, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

65 Postponement of change to mark to market in certain cases

(1) This section applies in relation to the computation in accordance with the provisions [^{F20}applicable for the purposes of section 35 of the Corporation Tax Act 2009 (charge on trade profits)] of the profits of the insurance business, other than life assurance business, of—

- (a) an insurance company,
- (b) a corporate member of Lloyd's, or
- (c) a controlled foreign company.

(2) For periods of account to which this section applies nothing in—

^{F21}(a)

- (b) [^{F22}section 46 of the Corporation Tax Act 2009] (computation of profits to be on basis giving true and fair view),

prevents the company from computing the profits of that business on a realisation basis rather than a mark to market basis.

A “realisation basis” means not recognising a profit or loss on an asset until it is realised, and a “mark to market basis” means bringing assets into account in each period of account at a fair value.

(3) Subject to subsection (4), this section applies in relation to any period of account that—

- (a) began before 1st August 2001, and
- (b) ends before 31st July 2002.

(4) This section does not apply if—

- (a) an earlier period of account beginning on or after 1st January 2001 ended with an accounting date different from that with which the previous period of account ended,
- (b) the change of accounting date was notified—
 - (i) to the registrar of companies, or

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (ii) in the case of a company established under the law of a country or territory outside the United Kingdom, to the corresponding authority of that country or territory,
- on or after 17th April 2002, and
- (c) the purpose, or one of the purposes, for which the change was made was so that a subsequent period of account would be one to which section 64 above applies (computation of profits: adjustment on change of basis).
- (5) In this section—
- “controlled foreign company” has the same meaning as in Chapter 4 of Part 17 of the Taxes Act 1988; and
- “corporate member of Lloyd’s” means a corporate member as defined in section 230(1) of the Finance Act 1994 (c. 9).

Textual Amendments

- F20** Words in s. 65(1) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 1 para. 531\(2\)](#) (with [Sch. 2 Pts. 1, 2](#))
- F21** [S. 65\(2\)\(a\)](#) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))
- F22** Words in s. 65(2)(b) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 1 para. 531\(3\)](#) (with [Sch. 2 Pts. 1, 2](#))

66 Election to continue postponement of mark to market

- (1) Where section 65 (postponement of change to mark to market in certain cases) applies in relation to a period of account, the company may elect that it shall continue to apply in relation to subsequent periods of account as regards assets held by it on 1st January 2002.
- Any such election must be made within twelve months after the end of the accounting period of the company current on that date.
- (2) An insurance company that carries on both long-term business and business other than long-term business may make an election under this section limited to assets held by the company otherwise than in the company’s long-term insurance fund.
- (3) For the purpose of determining whether an election under this section applies to an asset in a case where—
- (a) assets are realised by the company in an accounting period beginning on or after 1st January 2002,
 - (b) the assets are of such a kind that the particular assets realised are not readily identifiable,
 - (c) the realisation does not exhaust the company’s holding, and
 - (d) some but not all of the company’s holding was acquired after 1st January 2002,
- assets realised shall be identified with assets acquired on the same basis as that used by the company for accounting purposes, unless the basis used by the company is “last in, first out” in which case assets realised shall be identified with assets acquired on or before 1st January 2002 in priority to assets acquired after that day.
- (4) Where a company has made an election under this section and—

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (a) an asset in relation to which the election has effect is transferred to another company (“the transferee company”) in pursuance of [F23 an insurance business transfer] scheme, and
- (b) immediately after the transfer either—
 - (i) the transferee company is resident in the United Kingdom, or
 - (ii) the asset is held for the purposes of a business carried on by the transferee company in the United Kingdom through a branch or agency,

this section applies as if the transferee company had made an election under this section in relation to that asset.

- (5) F24 ...
 - F24
 - F25
- F26(6)
- F26(7)

Textual Amendments

- F23** Words in s. 66(4)(a) substituted (with effect in accordance with Sch. 9 para. 17(1) to the amending Act) by [Finance Act 2007 \(c. 11\)](#), **Sch. 9 para. 1(4)(a)**
- F24** Words in s. 66(5) repealed (with effect in accordance with Sch. 10 para. 17(2) to the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 10 para. 14\(10\)\(a\)](#), **Sch. 27 Pt. 2(10)**
- F25** Words in s. 66(5) repealed (with effect in accordance with Sch. 9 para. 17(1) to the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 9 para. 1\(4\)\(b\)](#), **Sch. 27 Pt. 2(9)**
- F26** S. 66(6)(7) repealed (with effect in accordance with Sch. 9 para. 17(1) to the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 9 para. 1\(4\)\(c\)](#), **Sch. 27 Pt. 2(9)**

Modifications etc. (not altering text)

- C1** S. 66 modified by SI 1997/473 reg. 53E (as inserted (30.1.2003) by [The Friendly Societies \(Modification of the Corporation Tax Acts\) \(Amendment\) Regulations 2003 \(S.I. 2003/23\)](#), regs. 1(1), **10**

67 Mark to market: miscellaneous amendments

- F27(1)
- F27(2)

- (3) In section 81 of the Finance Act 1999 (c. 16) (acquisitions disregarded under insurance companies concession), at the end add—

“(13) If the relevant company changes from—

- (a) not recognising a profit or loss on an asset until it is realised, to
 - (b) bringing assets into account in each period of account at a fair value,
- then, in calculating the amount of any adjustment required under Schedule 22 to the Finance Act 2002 (calculation of adjustment on change of basis), the amount to be taken into account as the cost of the asset in relation to a period of account before the change is the cost of the previous acquisition.”.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (4) The provisions of this section come into force as follows—
- (a) the amendments in subsections (1) and (2) apply in relation to periods of account ending on or after 1st August 2001;
 - (b) the amendment in subsection (3) applies wherever an adjustment falls to be made under Schedule 22 to the Finance Act 2002 (see Part 5 of that Schedule).

Textual Amendments

F27 S. 67(1)(2) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

^{F28}68 Expenditure involving crime

.....

Textual Amendments

F28 S. 68 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Financial instruments

^{F29}69

Textual Amendments

F29 s. 69 repealed (with effect in accordance with s. 83(3)) by [2002 c. 23](#), s. 141, **Sch. 40**, Pt. 3(13) Note 2

^{F30}70

Textual Amendments

F30 S. 70 repealed (with effect in accordance with s. 83(3)) by [2002 c. 23](#), s. 141, **Sch. 40**, Pt. 3(13) Note 2

Loan relationships

^{F31}71 Accounting method where rate of interest etc is reset

.....

Textual Amendments

F31 S. 71 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 532](#), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

F3272 Convertible securities etc: loan relationships

.....

Textual Amendments

F32 S. 72 repealed (with effect in accordance with s. 52(3), Sch. 10 para. 9(2)(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(6\)](#)

F3373 Convertible securities etc: issuing company not to be connected company

.....

Textual Amendments

F33 S. 73 repealed (with effect in accordance with s. 52(3), Sch. 10 para. 9(2)(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(6\)](#)

F3474 Convertible securities etc: debtor relationships

.....

Textual Amendments

F34 S. 74 repealed (with effect in accordance with s. 52(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(6\)](#)

F3575 Asset-linked loan relationships

.....

Textual Amendments

F35 Ss. 75-77 repealed (with effect in accordance with s. 52(3), Sch. 10 para. 11(2)(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(6\)](#)

F3576 Asset-linked loan relationships involving guaranteed returns

.....

Textual Amendments

F35 Ss. 75-77 repealed (with effect in accordance with s. 52(3), Sch. 10 para. 11(2)(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(6\)](#)

F3577 Loan relationships ceasing to be within section 93 of the Finance Act 1996

.....

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Textual Amendments

F35 Ss. 75-77 repealed (with effect in accordance with s. 52(3), Sch. 10 para. 11(2)(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(6\)](#)

^{F36}~~78~~

Textual Amendments

F36 S. 78 repealed (with effect in accordance with s. 83(3)) by [2002 c. 23](#), [ss. 83, 141](#), [Sch. 27 para. 25](#), [Sch. 40, Pt. 3\(13\)](#) Note 2

Foreign exchange gains and losses, loan relationships and currency

79 Forex and exchange gains and losses from loan relationships etc

- (1) The following provisions shall cease to have effect—
 - (a) paragraph 4 of Schedule 9 to the Finance Act 1996 (c. 8) (which excludes foreign exchange gains and losses from the computation of credits and debits under the loan relationships legislation); and
 - (b) in consequence, sections 125 to 169 of the Finance Act 1993 (c. 34) (taxation of foreign exchange gains and losses).
- (2) Schedule 23 to this Act (which makes provision in relation to exchange gains and losses from loan relationships etc) shall have effect.
- (3) The amendments made by subsection (1) and by Parts 1 and 2 of Schedule 23 have effect in relation to accounting periods beginning on or after 1st October 2002.

Modifications etc. (not altering text)

C2 S. 79(1)(b) extended (retrospective to 30.9.2002) by [Finance Act 2003 \(c. 14\)](#), [s. 177\(4\)\(8\)\(11\)](#)

80 Corporation tax: currency

- (1) Schedule 24 to this Act (which makes provision in relation to corporation tax and currency) shall have effect.
- (2) This section has effect in relation to accounting periods beginning on or after 1st October 2002.

Modifications etc. (not altering text)

C3 S. 80 extended (retrospective to 30.9.2002) by [Finance Act 2003 \(c. 14\)](#), [s. 177\(4\)\(8\)\(11\)](#)

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

81 Transitional provision

- (1) The Treasury may by regulations make such transitional or consequential provision, or such savings (with or without modifications), as they may from time to time consider appropriate in consequence of, or otherwise in connection with, any provision of section 79 or 80 or Schedule 23 or 24 (or any repeal consequential on any such provision).
- (2) The power conferred by subsection (1) includes power—
 - (a) to make different provision for different cases or different purposes;
 - (b) to amend any statutory instrument; and
 - (c) to make incidental or supplementary provision.
- (3) The provision that may be made by virtue of subsection (1) or (2) includes provision for or in connection with bringing amounts into account—
 - (a) for the purposes of the Taxation of Chargeable Gains Act 1992 (c. 12), as if they were chargeable gains or allowable losses; or
 - (b) for the purposes of [^{F37}Part 5 of the Corporation Tax Act 2009], as if they were credits or debits in respect of a loan relationship or a related transaction of the company concerned.
- (4) Nothing in any provision of Schedule 23 or 24 shall prejudice the operation of this section.
- (5) Nothing in this section or in Schedule 23 or 24 limits the operation of section 16 or 17 of the Interpretation Act 1978 (c. 30) (effect of repeals).

Textual Amendments

F37 Words in s. 81(3)(b) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 533** (with Sch. 2 Pts. 1, 2)

Modifications etc. (not altering text)

C4 S. 81 extended (retrospective to 30.9.2002) by Finance Act 2003 (c. 14), s. 177(6)(8)(11)

Loan relationships and other money debts

82 Loan relationships: general amendments

- (1) Schedule 25 to this Act (which makes provision in relation to loan relationships) shall have effect.
- (2) The amendments made by Parts 1 and 2 of that Schedule have effect in relation to accounting periods beginning on or after 1st October 2002.

Derivative contracts

83 Derivative contracts

- (1) The following shall have effect—
 - ^{F38}(a)

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (b) Schedule 27 to this Act (which makes minor and consequential amendments relating to the taxation of derivative contracts); and
- (c) Schedule 28 to this Act (which contains transitional provisions etc in connection with the coming into force of this section and Schedules 26 and 27).

^{F39}(2)

(3) This section has effect in relation to accounting periods beginning on or after 1st October 2002.

(4) Subsection (3) is subject to any specific provision of Schedule 28.

Textual Amendments

F38 S. 83(1)(a) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 534, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F39 S. 83(2) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 534, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Modifications etc. (not altering text)

C5 S. 83 extended (retrospective to 30.9.2002) by Finance Act 2003 (c. 14), s. 177(4)(8)(11)

Intangible fixed assets

84 Gains and losses from intangible fixed assets of company

^{F40}(1)

(2) Schedule 30 to this Act contains consequential amendments.

Textual Amendments

F40 S. 84(1) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 535, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Insurance

85 Gains of insurance company from venture capital investment partnership

(1) In Chapter 3 of Part 6 of the Taxation of Chargeable Gains Act 1992 (c. 12) (insurance), after section 211 insert—

“211A Gains of insurance company from venture capital investment partnership

Schedule 7AD to this Act has effect with respect to the gains of an insurance company from a venture capital investment partnership.”.

(2) After Schedule 7AC to that Act (inserted by Part 1 of Schedule 8 to this Act) insert the Schedule 7AD set out in Schedule 31 to this Act.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

86 Lloyd’s underwriters

- (1) Schedule 32 to this Act (which makes provision about the taxation of Lloyd’s underwriters) has effect.
- (2) The amendments in that Schedule have effect in relation to quota share contracts (within the meaning of section 178 of the Finance Act 1993 (c. 34) or section 225 of the Finance Act 1994) entered into on or after 17th April 2002.

^{F41}87 Life policies etc: chargeable events

.....

Textual Amendments

- F41** S. 87 omitted (with effect in accordance with Sch. 14 para. 18 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 14 para. 17(k)**

International matters

88 Extension of power to give effect to double taxation arrangements

^{F42}(1)

- (2) The following amendments are consequential on that above—
 - (a) in sections ^{F43}... 812(2), ^{F43}... ^{F44}... of the Taxes Act 1988, for “with the government of” substitute “ in relation to ”;
 - ^{F45}(b)
 - ^{F45}(c)
 - ^{F46}(d)
 - ^{F46}(e)
 - ^{F47}(f)
- (3) This section applies on and after the date on which this Act is passed in relation to arrangements made before that date (as well as in relation to arrangements made on or after that date).

Textual Amendments

- F42** S. 88(1) repealed (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)
- F43** Words in s. 88(2)(a) repealed (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)
- F44** Words in s. 88(2)(a) repealed (19.7.2006) by Finance Act 2006 (c. 25), **Sch. 26 Pt. 8(2)**
- F45** S. 88(2)(b)(c) repealed (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)
- F46** S. 88(2)(d)(e) repealed (19.7.2006) by Finance Act 2006 (c. 25), **Sch. 26 Pt. 8(2)**

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

F47 S. 88(2)(f) repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 10 Pt. 1](#) (with [Sch. 9 paras. 1-9, 22](#))

89 Controlled foreign companies: territorial exclusions from s.748 exemptions

(1) In section 748 of the Taxes Act 1988 (controlled foreign companies: cases where no apportionment falls to be made under section 747(3)) after subsection (5) insert—

“(6) This section is subject to section 748A.”.

(2) After section 748 of the Taxes Act 1988 insert—

Territorial exclusions from exemption under section 748

(1) Nothing in section 748 prevents an apportionment under section 747(3) falling to be made as regards an accounting period of a controlled foreign company if the company—

- (a) is a company incorporated in a territory to which this section applies as respects that accounting period; or
- (b) is at any time in that accounting period liable to tax in such a territory by reason of domicile, residence or place of management; or
- (c) at any time in that accounting period carries on business through a branch or agency in such a territory.

(2) The condition in subsection (1)(c) above is not satisfied as regards an accounting period of a controlled foreign company if the business carried on by the company in that period through branches or agencies in territories to which this section applies, taken as a whole, is only a minimal part of the whole of the business carried on by the company in that period.

(3) The territories to which this section applies as respects an accounting period of a controlled foreign company are those specified as such in regulations made by the Treasury.

(4) Regulations under subsection (3) above—

- (a) may make different provision for different cases or with respect to different territories; and
- (b) may contain such incidental, supplemental, consequential or transitional provision as the Treasury may think fit.

(5) A statutory instrument containing regulations under subsection (3) above shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the House of Commons.”.

(3) This section has effect in relation to accounting periods of controlled foreign companies beginning on or after the day on which this Act is passed.

(4) In this section “accounting period” and “controlled foreign company” have the same meaning as in Chapter 4 of Part 17 of the Taxes Act 1988.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

90 Controlled foreign companies and treaty non-resident companies

- (1) In section 747 of the Taxes Act 1988 (imputation of chargeable profits and creditable tax of controlled foreign companies), after subsection (1A) insert—

“(1B) In determining, for the purposes of any provision of this Chapter except subsection (1)(a) above, whether a company is a person resident in the United Kingdom, section 249 of the Finance Act 1994 (under which a company is treated as non-resident if it is so treated for double taxation relief purposes) shall be disregarded.”.

- (2) Subsection (1)—

(a) shall be deemed to have come into force on 1st April 2002, and

[^{F48}(b) does not apply to a company (“the non-resident company”) that—

(i) by virtue of section 249 of the Finance Act 1994 was treated as resident outside the United Kingdom, and not resident in the United Kingdom, immediately before that date, and

(ii) has not subsequently ceased to be so treated,

unless condition A or B is met in relation to the non-resident company at any time on or after 22nd March 2006.]

- [^{F49}(3) Condition A is met in relation to the non-resident company at any time on or after 22nd March 2006 if—

(a) immediately before 22nd March 2006 the non-resident company does not own directly or indirectly any company as a subsidiary company, and

(b) at any time on or after that date the non-resident company becomes the direct or indirect owner of a UK resident company as a subsidiary company.

- (4) Condition B is met in relation to the non-resident company at any time on or after 22nd March 2006 if—

(a) immediately before 22nd March 2006 the non-resident company owns directly or indirectly any company as a subsidiary company (which may be a UK resident company),

(b) at any time (“the relevant time”) on or after that date the non-resident company becomes the direct or indirect owner of any UK resident company as a subsidiary company (or, as the case may be, another UK resident company), and

(c) directly or indirectly in consequence of, or otherwise in connection with, the ownership mentioned in paragraph (b) there is a qualifying change in activities.

- (5) There is a qualifying change in activities if, at the relevant time or any subsequent time,—

(a) there is a major change in the nature, conduct or scale of the non-resident company’s activities, or

(b) there is a major change in the nature, conduct or scale of the activities of the group of companies of which the non-resident company is a member.

- (6) In this section references to directly or indirectly owning a company are references to owning it—

(a) directly or through another company or companies, or

(b) partly directly and partly through another company or companies.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (7) In this section references to ownership are to be read as references to beneficial ownership.
- (8) In this section “UK resident company”, in relation to any time, means any company which is resident in the United Kingdom at that time.]

Textual Amendments

- F48** S. 90(2)(b) substituted (19.7.2006) by [Finance Act 2006 \(c. 25\), s. 78\(2\)](#)
- F49** S. 90(3)-(8) inserted (19.7.2006) by [Finance Act 2006 \(c. 25\), s. 78\(3\)](#)

Supplementary charge in respect of ring fence trades

F50 91 Supplementary charge in respect of ring fence trades

Textual Amendments

- F50** S. 91 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 3 Pt. 1](#) (with [Sch. 2](#))

92 Assessment, recovery and postponement of supplementary charge

F51(1)

- (2) In section 59E of the Taxes Management Act 1970 (c. 9) (further provision as to when corporation tax is due and payable) in subsection (11) (extension of references in the section to corporation tax) after paragraph (b) add—
- “(c) to any sum chargeable on a company under section 501A(1) of the principal Act (supplementary charge in respect of ring fence trades) as if it were an amount of corporation tax chargeable on the company”.
- (3) In Schedule 18 to the Finance Act 1998 (c. 36) (company tax returns: assessments and related matters) in paragraph 1 (meaning of “tax”) in the second sentence (amounts assessable or chargeable as if they were corporation tax) for the word “and” immediately preceding the paragraph beginning “section 747(4)(a)” substitute the following paragraph—
- “section 501A(1) of that Act (supplementary charge in respect of ring fence trades), and”.
- (4) In paragraph 8 of that Schedule (calculation of tax payable) after paragraph number 1 of the third step insert—
- “1A Any sum chargeable under section 501A(1) of that Act (supplementary charge in respect of ring fence trades).”.
- (5) Regulation 3 of the Instalment Payment Regulations (large companies) is amended as follows.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (6) In paragraph (1) (which, subject to paragraphs (2) and (3), defines a large company) for “paragraphs (2) and (3),” substitute “ paragraphs (2) to (3A),”.
- (7) After paragraph (3) insert—
 - “(3A) Any question whether a company is, or is not, a large company as respects an accounting period beginning on or after 17th April 2002 shall, so far as not falling to be determined by reference to the company’s total liability, be determined as it would have been determined apart from section 501A of the Taxes Act (supplementary charge in respect of ring fence trades).”.
- (8) The amendment by this section of any provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision, whether in relation to the same or any other chargeable periods.
- (9) In this section “the Instalment Payment Regulations” means the Corporation Tax (Instalment Payments) Regulations 1998 (S.I. 1998/3175).

Textual Amendments

- F51** S. 92(1) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

93 Supplementary charge: transitional provisions

- (1) In the case of a straddling period, that is to say, an accounting period which begins before 17th April 2002 and ends on or after that date—
 - (a) sections 501A and 501B of the Taxes Act 1988 (which are inserted by sections 91 and 92) shall apply as if so much of the straddling period as falls before 17th April 2002, and so much of that period as falls on or after that date, were separate accounting periods; and
 - (b) all necessary apportionments between the two separate accounting periods shall be made in proportion to the number of days in those periods.
- (2) In the case of a straddling period, the Instalment Payment Regulations shall apply separately—
 - (a) in relation to any tax chargeable on the company under section 501A(1) of the Taxes Act 1988; and
 - (b) in relation to any other tax chargeable on the company.
- (3) In their application by virtue of paragraph (a) of subsection (2), the Instalment Payment Regulations shall have effect in relation to the tax mentioned in that paragraph as if—
 - (a) the deemed accounting period treated under subsection (1)(a) as beginning on 17th April 2002 were an accounting period for the purposes of those Regulations; and
 - (b) that tax were chargeable for that period.
- (4) Any reference in the Instalment Payment Regulations to the total liability of a company shall accordingly be construed—
 - (a) in their application by virtue of paragraph (a) of subsection (2), as a reference to the tax mentioned in that paragraph; and

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- (b) in their application by virtue of paragraph (b) of that subsection, as a reference to the amount that would be the company’s total liability for the straddling period if the tax mentioned in paragraph (a) of that subsection were left out of account.
- (5) For the purposes of the Instalment Payment Regulations—
 - (a) a company shall be regarded as a large company as respects the deemed accounting period under subsection (3)(a) if, and only if, it is a large company for those purposes as respects the straddling period; and
 - (b) any question whether a company is a large company as respects the straddling period shall be determined as it would have been determined apart from section 501A of the Taxes Act 1988.
- (6) In this section “the Instalment Payment Regulations” has the same meaning as in section 92.

Deduction of tax

94 Deduction of tax: payments to exempt bodies etc

- F52(1)
- F52(2)
- F52(3)
- F52(4)

- (5) In section 98 of the Taxes Management Act 1970 (c. 9) (special returns, etc), in subsection (4B)—
 - (a) in paragraph (a), after “a company” insert “ or local authority ”,
 - (b) in paragraph (b)—
 - (i) after “the company” insert “ or authority ”, and
 - (ii) for “either”, in each place, substitute “ one ”,
 - (c) in paragraph (c), after “the company” insert “ or authority ”, and
 - (d) in paragraph (d), for “neither” substitute “ none ”.
- (6) In that section, for subsection (4C) substitute—

“(4C) In subsection (4B) above—

 - “company” includes a partnership of which any member is a company; and
 - “local authority” includes a partnership of which any member is a local authority.”.
- (7) The amendments made by this section apply for the purposes of payments made on or after 1st October 2002.

Textual Amendments
F52 S. 94(1)-(4) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

F53 95 Deduction of tax by persons dealing in financial instruments

.....

Textual Amendments

F53 S. 95 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

96 Cross-border royalties

^{F54}(1)

^{F54}(2)

(3) In section 98 of the Taxes Management Act 1970 (c. 9) (special returns etc)—

^{F55}(a)

(b) after subsection (4C) insert—

“(4D) A payment is within this subsection if—

(a) it is a payment to which section 349(1) of the principal Act (requirement to deduct tax) applies,

(b) it is made by a company which, purporting to rely on section 349E(1) of that Act (power for companies to take account of double taxation treaty relief when paying royalties), deducts less tax from the payment than required by section 349(1) of that Act, and

(c) at the time the payment is made the payee (within the meaning of section 349E of that Act) is not entitled to relief in respect of the payment under any arrangements under section 788 of that Act (double taxation relief) and the company—

(i) does not believe that it is entitled to such relief, or
(ii) if it does so believe, cannot reasonably do so.”.

(4) This section applies in relation to payments made on or after 1st October 2002.

Textual Amendments

F54 S. 96(1)(2) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

F55 S. 96(3)(a) repealed (with effect in accordance with Sch. 43 Pt. 5(3) Note of the amending Act) by [Finance Act 2003 \(c. 14\)](#), [Sch. 43 Pt. 5\(3\)](#)

Charitable giving

F56 97 Gifts of real property to charity

.....

Status: Point in time view as at 01/04/2010.

*Changes to legislation: There are currently no known outstanding effects
 for the Finance Act 2002, Chapter 2. (See end of Document for details)*

Textual Amendments

F56 S. 97 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

^{F57}98 Gift aid: election to be treated as if gift made in previous tax year

.....

Textual Amendments

F57 S. 98 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 415](#), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

Films

^{F58F58}... Restriction of relief to films genuinely intended for theatrical release

.....

Textual Amendments

F58 Ss. 99-101 repealed (with effect in accordance with [Sch. 26 Pt. 3\(4\) Note 1](#) of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 26 Pt. 3\(4\)](#)

^{F58F58}... Exclusion of deferrals from production expenditure

.....

Textual Amendments

F58 Ss. 99-101 repealed (with effect in accordance with [Sch. 26 Pt. 3\(4\) Note 1](#) of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 26 Pt. 3\(4\)](#)

^{F59}101 Restriction of relief for successive acquisitions of the same film

.....

Textual Amendments

F59 S. 101 repealed (retrospective to 2.12.2004) by [Finance Act 2005 \(c. 7\)](#), [Sch. 3 para. 2\(1\)\(2\)](#), [Sch. 11 Pt. 2\(3\)](#) (with [Sch. 3 para. 2\(3\)](#))

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Miscellaneous

F60 102 Distributions: reasonable commercial return for use of principal secured

.....

Textual Amendments

F60 S. 102 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with Sch. 2)

103 References to accounting practice and periods of account

F61(1)

F62(2)

(3) In section 288(1) of the Taxation of Chargeable Gains Act 1992 (interpretation), at the appropriate place insert—

““period of account” has the meaning given by section 832(1) of the Taxes Act;”.

(4) In the following provisions for “normal accounting practice” or “normal accountancy practice”, wherever occurring, substitute “generally accepted accounting practice”

(a) in the Taxes Act 1988, sections ^{F63} ... ^{F64} ..., ^{F65} ..., 798B(1) ^{F65} ..., ^{F66} ...;

(b) in the Finance Act 1993 (c. 34), sections ^{F67} ... 150(6)(c) and (11)(c), 154(11)(c), (12)(d), (13)(b), (13A)(d) and (13B)(d), 155(7), (11)(d) and (12)(b), 156(2)(e) and (4)(b) and 159(1)(b);

(c) in the Finance Act 1994 (c. 9), section 156(3)(a) and (4)(a);

^{F68}(d)

^{F69}^{F70}(e)

(f) in the Finance Act 2000 (c. 17), ^{F71} ... in Schedule 15, paragraph 29(4), ^{F72} ...;

(g) in the Capital Allowances Act 2001 (c. 2), sections 179(1)(f), 219(1) ^{F73} ...;

^{F74}(h)

F75(5)

(6) The amendments made by subsections (1) to (3) above have effect for the purposes of provisions of this Act using the expressions mentioned (including provisions inserted by amendment in other enactments) whenever those provisions are expressed to have effect or to come, or to have come, into force.

This is without prejudice to the general effect of those amendments.

Textual Amendments

F61 S. 103(1) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with Sch. 2)

F62 S. 103(2) repealed (7.4.2005) by [Finance Act 2005 \(c. 7\)](#), **Sch. 11 Pt. 2(7)**

F63 Word in s. 103(4)(a) repealed (with effect in accordance with Sch. 26 Pt. 3(12) Note of the amending Act) by [Finance Act 2006 \(c. 25\)](#), **Sch. 26 Pt. 3(12)**

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

- F64** Word in s. 103(4)(a) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 2](#) (with [Sch. 2](#))
- F65** Words in s. 103(4)(a) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))
- F66** Words in s. 103(4)(a) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))
- F67** Word in s. 103(4)(b) repealed (with effect in accordance with s. 52(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 42 Pt. 2\(6\)](#)
- F68** S. 103(4)(d) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))
- F69** S. 103(4)(e) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 2](#) (with [Sch. 2](#))
- F70** S. 103(4)(e) repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), [Sch. 10 Pt. 8](#) (with [Sch. 9 paras. 1-9, 22](#))
- F71** Words in s. 103(4)(f) repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 8 Pt. 1](#) (with [Sch. 7](#))
- F72** Words in s. 103(4)(f) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))
- F73** Words in s. 103(4)(g) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))
- F74** S. 103(4)(h) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))
- F75** S. 103(5) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))

^{F76}104 Discounted securities etc

.....

Textual Amendments

- F76** S. 104 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 3](#) (with [Sch. 2](#))

105 Financial trading stock

^{F77}(1)

- (2) In Schedule 12 to the Finance Act 1988 (c. 39) (building societies: change of status)—
- (a) in paragraph 1 (which provides that paragraphs 2 to 7 apply where there is a transfer of the whole of a building society's business to a successor company in accordance with section 97 etc of the Building Societies Act 1986 (c. 53)) for “2” substitute “ 3 ”; and
 - (b) omit paragraph 2 (which relates to gilt-edged securities and other financial trading stock and is superseded by Chapter 2 of Part 4 of the Finance Act 1996).

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2002, Chapter 2. (See end of Document for details)

Textual Amendments

F77 S. 105(1) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F78 **106 Valuation of trading stock on transfer of trade**

.....

Textual Amendments

F78 S. 106 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F79F80 **107 Banks etc in compulsory liquidation**

.....

Textual Amendments

F79 S. 107 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 2** (with Sch. 2)

F80 S. 107 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 12** (with Sch. 9 paras. 1-9, 22)

F81 **108 Manufactured dividends and interest**

.....

Textual Amendments

F81 S. 108 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 3 Pt. 1** (with Sch. 2)

F82 **109 Venture capital trusts**

.....

Textual Amendments

F82 S. 109 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 3 Pt. 1** (with Sch. 2)

Status:

Point in time view as at 01/04/2010.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2002, Chapter 2.