

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

SCHEDULES

SCHEDULE 9

CHARGEABLE GAINS: SHARE EXCHANGES AND COMPANY RECONSTRUCTIONS

PART 2

CONSEQUENTIAL AMENDMENTS

Taxes Act 1988

- 4 (1) The Taxes Act 1988 is amended as follows.
- (2) In section 299 (disposal of shares)—
 - ^{F1}(a)
 - (b) in subsection (4C), as that section applies to shares issued before 1st January 1994 (business expansion scheme),
 for “(whether or not by virtue of section 135(3) of that Act)” substitute “ (including a case where that section applies by virtue of any enactment relating to chargeable gains) ”, and for the words from “shall be construed” to the end substitute “ have the same meaning as in section 127 of the 1992 Act (or, as the case may be, that section as applied by virtue of the enactment concerned) ”.
- ^{F2}(3)
- ^{F3}(4)
- ^{F4}(5)
- ^{F4}(6)
- ^{F5}(7)

Textual Amendments

- F1** Sch. 9 para. 4(2)(a) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 3 Pt. 2** (with [Sch. 2](#))
- F2** Sch. 9 para. 4(3) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 3 Pt. 2** (with [Sch. 2](#))
- F3** Sch. 9 para. 4(4) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with [Sch. 2 Pts. 1,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](#))
- F4** Sch. 9 para. 4(5)(6) repealed (with effect in accordance with reg. 1(2)(3), Sch. 1 of the amending S.I.) by [The Offshore Funds \(Tax\) Regulations 2009 \(S.I. 2009/3001\)](#), reg. 1(1), **Sch. 2**
- F5** [Sch. 9 para. 4\(7\)](#) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with [Sch. 2](#))

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Taxation of Chargeable Gains Act 1992

- 5 (1) The Taxation of Chargeable Gains Act 1992 (c. 12) is amended as follows.
- ^{F6}(2)
- ^{F6}(3)
- (4) In section 102 (collective investment schemes with property divided into separate parts), in subsection (3)(b) after “135” insert “ or 136 ”.
- (5) In section 137 (restriction on application of sections 135 and 136)—
- (a) in subsection (1), for “, reconstruction or amalgamation” substitute “ or scheme of reconstruction ”; and
 - (b) in subsection (6), for “section 136(3)” substitute “ section 135(5), 136(5) ”.
- (6) In section 138(1) (procedure for clearance in advance), for “, reconstruction or amalgamation” substitute “ or scheme of reconstruction ”.
- (7) In section 139 (reconstruction involving transfer of business), for subsection (9) substitute—
- “(9) In this section “scheme of reconstruction” has the same meaning as in section 136.”.
- (8) In section 147 (quoted options treated as part of new holdings)—
- (a) in subsection (1) for “or amalgamation” substitute “, exchange or scheme of reconstruction ”; and
 - (b) in subsection (2) at the end insert “ and “scheme of reconstruction” has the same meaning as in section 136 ”.
- (9) In section 151B (venture capital trusts: supplementary), in subsection (8) for paragraph (c) substitute—
- “(c) a reference to the exchanged holding is, in relation to section 135 or 136, to the shares in the company referred to in that section as company A.”.
- (10) In section 171(3) (transfers within a group) for “by virtue of sections 127 and 135” substitute “ by section 127 as it applies by virtue of section 135 ”.
- ^{F7}(11)
- (12) In section 251 (debts: general provisions)—
- (a) in subsection (2) for “132 and 135” substitute “ 132, 135 and 136 ”;
 - (b) in subsection (3)—
 - (i) for “132 and 135” substitute “ 132, 135 and 136 ”, and
 - (ii) for “either section 132 or 135” substitute “ section 132, 135 or 136 ”;
 - (c) in subsection (6)(b) for the words from “unaffected” to the end substitute “ to which section 135 applies and which is unaffected by section 137(1) ”.
- ^{F8}(13)
- (14) In Schedule 6 (retirement relief: supplementary provisions), in paragraph 2(2) for “section 135(3)” substitute “ section 135 or 136 ”.

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Textual Amendments

- F6** Sch. 9 para. 5(2)(3) repealed (with effect in accordance with Sch. 9 para. 6 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 9 para. 5(d)**
- F7** Sch. 9 para. 5(11) repealed (19.7.2007) by Finance Act 2007 (c. 11), **Sch. 27 Pt. 2(9)**
- F8** Sch. 9 para. 5(13) 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)(ii)**

Finance Act 2000

- 6 (1) Schedule 15 to the Finance Act 2000 (c. 17) (corporate venturing scheme) is amended as follows.
- (2) In paragraph 71 (tax avoidance), in sub-paragraph (1)(b)(ii) for “reconstructions and amalgamations” substitute “ schemes of reconstruction ”.
- (3) In paragraph 82(1) (company reconstructions and amalgamations), in the closing words for “company reconstructions and amalgamations” substitute “ share exchanges and company reconstructions ”.
- (4) In paragraph 93(7) (identification of shares on a disposal: cases to which section 127 applies)—
- (a) for “(whether or not by virtue of section 135(3) of that Act)” substitute “ (including a case where that section applies by virtue of any enactment relating to chargeable gains) ”; and
- (b) for the words from “shall be construed” to the end substitute “ have the same meaning as in section 127 of the 1992 Act (or, as the case may be, that section as applied by virtue of the enactment concerned) ”.
- (5) In paragraph 96 (meaning of “disposal”)—
- (a) in sub-paragraph (2)(a) for “section 136(1)” substitute “ section 136 ”;
- (b) in sub-paragraph (2)(b) for “sections 135 and 136 of that Act to bona fide reconstructions and amalgamations” substitute “ section 136 of that Act to bona fide schemes of reconstruction ”.

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