
Changes to legislation: Energy Act 2004, SCHEDULE 4 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 27

SUPPLEMENTAL TAXATION PROVISIONS FOR EXEMPT ACTIVITIES

Exempt activities to be separate trade

- 1 Exempt activities carried on—
- (a) by the NDA, or
 - (b) by a company while it is an NDA company,
- are to be treated for corporation tax purposes as a separate trade distinct from all other activities carried on by the NDA or (as the case may be) that company.

Commencement Information

- II** Sch. 4 para. 1 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

Accounting periods of companies carrying on exempt activities

- 2 (1) An accounting period of the NDA or of an NDA company ends (if it would not otherwise do so)—
- (a) where it begins to carry on exempt activities, immediately before it begins to carry them on; and
 - (b) where it ceases to carry on such activities, immediately after it so ceases.
- (2) An accounting period of a company which—
- (a) becomes an NDA company, and
 - (b) is carrying on exempt activities immediately after becoming such a company,
- ends (if it would not otherwise do so) when it becomes an NDA company.
- (3) An accounting period of a company which—
- (a) ceases to be an NDA company, and
 - (b) is carrying on exempt activities immediately before ceasing to be such a company,
- ends (if it would not otherwise do so) when it ceases to be an NDA company.

Commencement Information

- I2** Sch. 4 para. 2 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

Charges on income in connection with exempt activities

- 3 [F1No qualifying charitable donations made]—

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- (a) by the NDA, or
 - (b) by an NDA company,
- in connection with the carrying on of exempt activities are to be deductible from its total profits under [^{F2}Part 6 of the Corporation Tax Act 2010].

Textual Amendments

F1 Words in Sch. 4 para. 3 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. 437(a)** (with Sch. 2)

F2 Words in Sch. 4 para. 3 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. 437(b)** (with Sch. 2)

Commencement Information

I3 Sch. 4 para. 3 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), **Sch. 1**

Finance leasing of plant and machinery

- 4 (1) This paragraph applies where there is a finance lease in the case of which—
- (a) the lessor is the NDA or an NDA company;
 - (b) the lessee is the NDA or an NDA company;
 - (c) the lessee is carrying on exempt activities; and
 - (d) the machinery or plant to which the lease relates is used by the lessee for the purposes of those activities.
- (2) No allowance under Part 2 of the Capital Allowances Act 2001 (c. 2) (plant and machinery allowances) shall be available to the lessor in respect of qualifying expenditure on the provision of the plant or machinery for leasing under the lease.
- (3) Expressions used in this paragraph and in Chapter 17 of Part 2 of the Capital Allowances Act 2001 (anti-avoidance provisions relating to plant and machinery allowances) have the same meanings in this paragraph as in that Chapter.

Commencement Information

I4 Sch. 4 para. 4 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), **Sch. 1**

Mixed use of industrial buildings

^{F35}

Textual Amendments

F3 Sch. 4 para. 5 omitted (with effect in accordance with Sch. 27 para. 30(1) of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 27 para. 25**

Residue of qualifying expenditure on industrial buildings

^{F46}

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Textual Amendments

- F4** Sch. 4 para. 6 omitted (with effect in accordance with Sch. 27 para. 30(1) of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 27 para. 25](#)

Changes to legislation:

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

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

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)