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*Changes to legislation: There are currently no known outstanding effects for the Income Tax Act 2007, Paragraph 46. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### TRANSITIONALS AND SAVINGS

#### PART 6

#### LOSSES ON DISPOSAL OF SHARES

##### *The unquoted status requirement*

- 46 (1) In relation to shares issued before 7 March 2001, section 143 applies with the following modifications—
- (a) the substitution for subsection (1) of—
    - “(1) The unquoted status requirement is that the company must be an unquoted company throughout the relevant period.”,
  - (b) the substitution for subsection (2) of—
    - “(2) If the company is an unquoted company at the time when any shares are issued, it is not treated for the purposes of this section as ceasing to be an unquoted company in relation to those shares at any subsequent time merely because any shares, stocks, debentures or other securities of the company are at that time—
      - (a) listed on an exchange designated by an order made for the purposes of section 184(3)(b), or
      - (b) dealt in by any means designated by an order made for the purposes of section 184(3)(c),if the order was made after the shares were issued.”, and
  - (c) in subsection (3) the substitution for the definition of “arrangements” of—
    - ““the relevant period” means the period—
      - (a) beginning with the incorporation of the company or, if later, the date one year before the issue of the shares in question, and
      - (b) ending with the date of the disposal.”
- (2) For the purposes of sub-paragraph (1)(a) and (c), shares that were issued—
- (a) <sup>F1</sup>...after 5 April 1998, but
  - (b) before 7 March 2001,
- are treated as having been issued on or after 7 March 2001 in respect of any part of the relevant period which falls on or after that date.
- (3) In the application of sub-paragraph (1)(b) on or after 7 March 2001, shares—
- (a) that were issued <sup>F2</sup>... after 5 April 1998 but before 7 March 2001, and

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(b) to which EIS relief or relief under Schedule 5B to TCGA 1992 was attributable immediately before 7 March 2001, are treated as having been issued on or after 7 March 2001.

(4) Section 143 does not apply in relation to shares issued before 6 April 1998.

<sup>F3</sup>(5) .....

<sup>F3</sup>(6) .....

**Textual Amendments**

- F1** Words in Sch. 2 para. 46(2)(a) omitted (with effect in accordance with art. 1(2) of the amending S.I.) by virtue of [Income Tax Act 2007 \(Amendment\) Order 2007 \(S.I. 2007/940\)](#), arts. 1(1), 2(3)
- F2** Words in Sch. 2 para. 46(3)(a) omitted (with effect in accordance with art. 1(2) of the amending S.I.) by virtue of [Income Tax Act 2007 \(Amendment\) Order 2007 \(S.I. 2007/940\)](#), arts. 1(1), 2(3)
- F3** Sch. 2 para. 46(5)(6) 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)

**Changes to legislation:**

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