

---

*Status: Point in time view as at 17/07/2013.*

*Changes to legislation: Corporation Tax Act 2009, Cross Heading: Entitlement and payment is up to date with all changes known to be in force on or before 19 June 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)*

---



# Corporation Tax Act 2009

## 2009 CHAPTER 4

### PART 14

#### REMEDICATION OF CONTAMINATED [<sup>F1</sup>OR DERELICT] LAND

### CHAPTER 3

#### LAND REMEDIATION TAX CREDIT

#### *Entitlement and payment*

#### **1151 Entitlement to and payment of tax credit**

- (1) A company is entitled to a land remediation tax credit for an accounting period if it has a qualifying land remediation loss in the period (see section 1152).
- (2) For the company to obtain a land remediation tax credit in respect of all or part of the qualifying land remediation loss it must make a claim.
- (3) The amount of a land remediation tax credit to which the company is entitled is determined in accordance with section 1154.
- (4) If a company claims a land remediation tax credit to which it is entitled for an accounting period, an officer of Revenue and Customs must pay to the company the amount of the credit.

This is subject to section 1155.

- (5) See also section 1158, which restricts the carry forward of losses where a company claims a land remediation tax credit.

*Status: Point in time view as at 17/07/2013.*

*Changes to legislation: Corporation Tax Act 2009, Cross Heading: Entitlement and payment is up to date with all changes known to be in force on or before 19 June 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)*

## 1152 Meaning of “qualifying land remediation loss”

- (1) For the purposes of this Chapter a company has a “qualifying land remediation loss” in an accounting period if in the period—
  - (a) it obtains an additional deduction under section 1149 in calculating the profits of a UK property business or a trade, and
  - (b) it makes a UK property business loss in the business or a trading loss in the trade.
- (2) The amount of the qualifying land remediation loss is—
  - (a) so much of the UK property business loss or trading loss as is unrelieved (see section 1153), or
  - (b) if less, 150% of the qualifying land remediation expenditure in respect of which the relief was obtained.

## 1153 Amount of a loss which is “unrelieved”

- (1) The amount of a UK property business loss or trading loss that is “unrelieved” is the amount of the loss reduced by—
  - (a) any relief obtained by the company under [<sup>F1</sup>section 62(1) to (3) of CTA 2010], or that was or could have been obtained by it making a claim under [<sup>F2</sup>section 37(3)(a) of CTA 2010, to deduct the loss from total] profits of the same accounting period,
  - (b) any other relief obtained by the company in respect of the loss, including relief under [<sup>F3</sup>section 37(3)(b) of CTA 2010 (losses deducted from] profits of an earlier accounting period), and
  - (c) any loss surrendered under [<sup>F4</sup>Part 5 of CTA 2010] (surrender of relief to group or consortium members).
- (2) No account is to be taken for this purpose of—
  - (a) any UK property business losses or trading losses brought forward from an earlier accounting period under [<sup>F5</sup>section 45 or 62(5) of CTA 2010], or
  - (b) any trading losses carried back from a later accounting period under [<sup>F6</sup>section 37(3)(b) of CTA 2010].
- (3) Subsections (4) to (7) apply (instead of subsection (1)) to determine the amount of a UK property business loss that is “unrelieved” in an accounting period (“the relevant accounting period”) in a case where [<sup>F7</sup>, as a result of section 87(3) of FA 2012, the loss is treated for the purposes of section 76 of that Act as a deemed BLAGAB management expense for the relevant accounting period.]
- (4) If in the relevant accounting period no amount falls to be carried forward to a subsequent accounting period under [<sup>F8</sup>section 73 of FA 2012] (unrelieved expenses carried forward), no amount of the UK property business loss is unrelieved.
- (5) If in the relevant accounting period there is an amount which falls to be carried forward to a subsequent accounting period under [<sup>F8</sup>section 73 of FA 2012], the amount of the UK property business loss that is unrelieved is—
  - (a) the amount which so falls to be carried forward, or
  - (b) if less, the amount of the UK property business loss.

*Status: Point in time view as at 17/07/2013.*

*Changes to legislation: Corporation Tax Act 2009, Cross Heading: Entitlement and payment is up to date with all changes known to be in force on or before 19 June 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)*

- (6) In determining for the purposes of subsection (4) or (5) whether there is an amount which falls to be carried forward to a subsequent accounting period under [F<sup>8</sup>section 73 of FA 2012], no account is to be taken of the amounts specified in subsection (7).
- (7) Those amounts are amounts—
- (a) brought forward from an earlier accounting period, and
  - [F<sup>9</sup>(b) taken into account in calculating for the purposes of section 73 of FA 2012 the amount of adjusted BLAGAB management expenses of the company for the relevant accounting period as a result of—
    - (i) the previous application of section 73 or 93 of FA 2012, or
    - (ii) the carry forward to the relevant accounting period of an amount under section 391 of this Act (surplus deficit).]
- (8) If—
- (a) the company is an insurance company, and
  - (b) it is treated under [F<sup>10</sup>section 86 of FA 2012] as carrying on more than one UK property business,
- references in this section to a UK property business loss are to be read in accordance with [F<sup>11</sup>section 87(4) of FA 2012] (aggregation of losses).

#### Textual Amendments

- F1** Words in s. 1153(1)(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. 677\(2\)\(a\)\(i\)](#) (with [Sch. 2](#))
- F2** Words in s. 1153(1)(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. 677\(2\)\(a\)\(ii\)](#) (with [Sch. 2](#))
- F3** Words in s. 1153(1)(b) 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. 677\(2\)\(b\)](#) (with [Sch. 2](#))
- F4** Words in s. 1153(1)(c) 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. 677\(2\)\(c\)](#) (with [Sch. 2](#))
- F5** Words in s. 1153(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. 677\(3\)\(a\)](#) (with [Sch. 2](#))
- F6** Words in s. 1153(2)(b) 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. 677\(3\)\(b\)](#) (with [Sch. 2](#))
- F7** Words in s. 1153(3) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 193\(2\)](#)
- F8** Words in s. 1153(4)-(6) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 193\(3\)](#)
- F9** S. 1153(7)(b) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 193\(4\)](#)
- F10** Words in s. 1153(8)(b) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 193\(5\)\(a\)](#)
- F11** Words in s. 1153(8) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 193\(5\)\(b\)](#)

**Status:**

Point in time view as at 17/07/2013.

**Changes to legislation:**

Corporation Tax Act 2009, Cross Heading: Entitlement and payment is up to date with all changes known to be in force on or before 19 June 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.