



Finance (No. 3) Act 2010

2010 CHAPTER 33

PART 1

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

Chargeable gains

16 Capital gains tax private residence relief: adult placement carers

- (1) In section 223(8) of TCGA 1992 (amount of relief), before the “and” at the end of paragraph (a) insert—
 - “(aa) section 225D (private residence of adult placement carer).”
- (2) In section 224 of that Act (amount of relief: further provisions), insert at the end—
 - “(4) This section is subject to section 225D (private residence of adult placement carer).”
- (3) In that Act, after section 225C insert—

“225D Private residence of adult placement carer

- (1) This section applies where a gain to which section 222 applies accrues to an individual (“A”) and, at any time during A’s period of ownership, part of the dwelling-house was occupied by another person (“B”)—
 - (a) in England and Wales, pursuant to an adult placement scheme,
 - (b) in Scotland, pursuant to arrangements which constitute or form part of an adult placement service involving the provision of accommodation for B, or
 - (c) in Northern Ireland, pursuant to arrangements made with an adult placement agency for the provision of accommodation for B.
- (2) For the purposes of this Part, in determining the periods during which the dwelling-house, or any part of the dwelling-house, was A’s only or main

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 3) Act 2010, Cross Heading: Chargeable gains. (See end of Document for details)

residence, B's occupation of part of the dwelling-house pursuant to the scheme or arrangement is to be disregarded.

(3) For the purposes of section 224, the occupation of the part of the dwelling-house by B pursuant to the scheme or arrangement does not amount to the use of that part of the dwelling-house by A exclusively for the purpose of a trade, business, profession or vocation.

(4) In this section—

“adult placement agency” means an organisation or undertaking—

- (a) that arranges for the provision of care and support (including accommodation) for persons in need, and
- (b) in respect of which a requirement to register arises under Article 12 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003,

“adult placement scheme” means a scheme—

- (a) under which an individual agrees with the person carrying on the scheme to provide care and support (including accommodation) to an adult who is in need of it, and
- (b) in respect of which a requirement to register arises under section 11 of the Care Standards Act 2000, and

“adult placement service” has the meaning given by paragraph 11 of schedule 12 to the Public Services Reform (Scotland) Act 2010.”

(4) The amendments made by this section have effect in relation to disposals made on or after 9 December 2009.

(5) Until the coming into force of paragraph 11 of schedule 12 to the Public Services Reform (Scotland) Act 2010, the reference to that provision in section 225D(4) of TCGA 1992 is to section 2(16) of the Regulation of Care (Scotland) Act 2001.

17 Reinvestment of ring fence assets: acquisition by member of group

(1) After section 198G of TCGA 1992 insert—

“198H Acquisition by member of same group

Section 198A or 198B is to apply where—

- (a) the disposal is by a company which, at the time of the disposal, is a member of a group of companies (within the meaning given in section 170),
- (b) the acquisition is by another company which, at the time of the acquisition, is a member of the same group, and
- (c) the claim under that section is made by both companies, as if both companies were the same person.”

(2) The amendment made by this section has effect in relation to disposals made on or after 22 April 2009 (whether the acquisition takes place before, on or after that date).

Changes to legislation:

There are currently no known outstanding effects for the Finance (No. 3) Act 2010, Cross
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