



# Corporation Tax Act 2010

## 2010 CHAPTER 4

### PART 5

#### GROUP RELIEF

#### CHAPTER 4

##### CLAIMS FOR GROUP RELIEF

*General limitation on amount of group relief to be given*

#### **140 Unrelieved part of claimant company's available total profits**

- (1) The unrelieved part of the claimant company's available total profits of the claim period is the amount equal to—
  - (a) the company's available total profits for the overlapping period (see subsection (2)), less
  - (b) the amount of previously claimed group relief for that period (see subsection (3)).
- (2) To determine the available total profits for the overlapping period—
  - (a) take the proportion of the claim period included in the overlapping period, and
  - (b) apply that proportion to the available total profits of the claim period.The available total profits for the overlapping period is the amount given as a result of paragraph (b).
- (3) To determine the amount of previously claimed group relief for the overlapping period—
  - (a) identify any prior claims for the purposes of this section (see subsection (4)), and
  - (b) take the steps set out in subsection (5) in relation to each such claim.

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*Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Section 140. (See end of Document for details)*

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The amount of previously claimed group relief for the overlapping period is the total of the previously claimed amounts given at Step 3 in subsection (5) for all the prior claims.

- (4) A claim is a prior claim for the purposes of this section if—
- (a) it is a claim by the claimant company for group relief which would be given by way of a deduction from the company's total profits of the claim period,
  - (b) it is made before the current claim, and
  - (c) it has not been withdrawn.
- (5) These are the steps referred to in subsection (3)(b) to be taken in relation to each prior claim.

*Step 1*

Identify the overlapping period for the prior claim.

*Step 2*

Identify any period that is common to the overlapping period for the current claim and the overlapping period for the prior claim. If there is a common period, go to Step 3. If there is no common period, there is no previously claimed amount in relation to the prior claim (and ignore Step 3).

*Step 3*

Determine the previously claimed amount of group relief in relation to the prior claim (see subsection (6)).

- (6) To determine the previously claimed amount of group relief in relation to a prior claim—
- (a) take the proportion of the overlapping period for the prior claim that is included in the common period identified at Step 2 in relation to that claim, and
  - (b) apply that proportion to the amount of group relief given on the prior claim.
- The previously claimed amount of group relief in relation to the prior claim is the amount given as a result of paragraph (b).
- (7) In this section references to the claimant company's "available total profits" are references to its total profits after the deductions mentioned in section 137(4)(b).
- (8) Further, if the claimant company is non-UK resident its available total profits do not include any part of its total profits that arise from activities that are double taxation exempt for the claim period (see section 186) (so far as those profits are not covered by the deductions mentioned in section 137(4)(b)).
- (9) For the meaning of "the overlapping period" see section 142.

**Modifications etc. (not altering text)**

- C1** Pt. 5 excluded (14.7.2022) by [Energy \(Oil and Gas\) Profits Levy Act 2022 \(c. 40\)](#), [s. 1\(5\)\(e\)](#) (with [ss. 15\(1\), 16\(1\)](#))
- C2** [Ss. 138-142](#) applied (1.4.2022 in relation to accounting periods beginning on or after that date) by [Finance Act 2022 \(c. 3\)](#), [s. 51\(1\)](#), [Sch. 7 para. 10\(1\)](#)
- C3** [S. 140](#) modified (1.4.2022 in relation to accounting periods beginning on or after that date) by [Finance Act 2022 \(c. 3\)](#), [s. 51\(1\)](#), [Sch. 7 para. 10\(2\)\(a\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Corporation Tax Act 2010, Section 140. (See end of Document for details)

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**C4** Ss. 138-142 applied (with modifications) (14.7.2022) by Energy (Oil and Gas) Profits Levy Act 2022 (c. 40), **Sch. 1 para. 11** (with ss. 15(1), 16(1), 17)

**Changes to legislation:**

There are currently no known outstanding effects for the Corporation Tax Act 2010, Section 140.