



# Corporation Tax Act 2010

## 2010 CHAPTER 4

### [<sup>F1</sup>PART 7A

#### BANKING COMPANIES]

### [<sup>F2</sup>CHAPTER 4

#### SURCHARGE ON BANKING COMPANIES

##### *The surcharge allowance*

#### [<sup>F2</sup>269DE] **Surcharge allowance for banking company in a group containing other banking companies**

- (1) This section makes provision as to the surcharge allowance of a banking company for a chargeable accounting period where, at any time in the period—
  - (a) the banking company is a member of a group, and
  - (b) one or more other banking companies are members of that group.
- (2) The banking company's surcharge allowance for the chargeable accounting period is so much of its available surcharge allowance for the period as it specifies in its company tax return as its surcharge allowance for the period.
- (3) The banking company's “available surcharge allowance” for the chargeable accounting period is the sum of—
  - (a) any amounts of group surcharge allowance allocated to the company for the period in accordance with sections 269DF to 269DI, and
  - (b) the appropriate amount of non-group surcharge allowance of the company for the period,up to a limit of [<sup>F3</sup>£100,000,000].
- (4) The “appropriate amount of non-group surcharge allowance” of the company, for the chargeable accounting period, is—

*Status: Point in time view as at 01/04/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Section 269DE. (See end of Document for details)*

[<sup>F4</sup>

]  $D N G D A C \times \pounds 100,000,000$

where—

“DNG” is the number of days in the period on which the company is not a member of a group that has another member that is a banking company;

“DAC” is the total number of days in the period.

- (5) If the chargeable accounting period is less than 12 months—
- (a) the appropriate amount of non-group surcharge allowance, and
  - (b) the limit in subsection (3),
- are proportionally reduced.
- (6) The sum of—
- (a) any amount specified under subsection (2) for the chargeable accounting period, and
  - (b) any amount that is specified under section 371BI(2) of TIOPA 2010 (calculation of CFC charge on banking companies) for the period,
- may not exceed the available surcharge allowance for the period.
- (7) Section 269DK contains provision about what happens if the requirement in subsection (6) is not met.]

#### Textual Amendments

- F2** Pt. 7A Ch. 4 inserted (with effect in accordance with Sch. 3 Pt. 3 of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [Sch. 3 para. 1](#)
- F3** Sum in [S. 269DE\(3\)](#) substituted (1.4.2023 for accounting periods beginning on or after that date) by [Finance Act 2022 \(c. 3\)](#), [s. 6\(2\)\(a\)\(3\)](#)
- F4** [S. 269DE\(4\)](#): in the formula the sum “£100,000,000” is substituted for “£25,000,000” (1.4.2023 for accounting periods beginning on or after that date) by [Finance Act 2022 \(c. 3\)](#), [s. 6\(2\)\(a\)\(3\)](#)

**Status:**

Point in time view as at 01/04/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the Corporation Tax Act 2010, Section 269DE.