



# Finance (No. 2) Act 2023

## 2023 CHAPTER 30

### PART 1

#### INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

##### *International matters*

#### **38 Double taxation relief: foreign nominal rates**

- (1) No extended time limit claim may be made on or after 20 July 2022 for a credit calculated by reference to a foreign nominal rate of tax unless [subsection \(2\)](#) or [\(3\)](#) applies in relation to the claim.
- (2) [This subsection](#) applies in relation to an extended time limit claim if the adjustment in the amount of tax payable that gives rise to the claim—
  - (a) is not calculated by reference to a foreign nominal rate of tax, and
  - (b) occurred on or after 21 July 2016 but before 20 July 2022.
- (3) [This subsection](#) applies in relation to an extended time limit claim if the claim relates to an accounting period that ended before 20 July 2022 (“the relevant accounting period”) and as at that date—
  - (a) an appeal under section 31 of TMA 1970 against an assessment to tax in relation to the relevant accounting period has been brought but has not been finally determined or withdrawn,
  - (b) an enquiry under paragraph 5 of Schedule 1A to TMA 1970 into a claim in relation to the relevant accounting period could be opened or is in progress,
  - (c) an appeal against a conclusion stated in respect of such a claim, or an amendment of such a claim, as a result of an enquiry under that paragraph—
    - (i) could be brought, or
    - (ii) has been brought but has not been finally determined or withdrawn,
  - (d) an enquiry under Part 4 of Schedule 18 to FA 1998 into the company tax return for the relevant accounting period could be opened or is in progress, or

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*Status: This is the original version (as it was originally enacted).*

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- (e) an appeal against an amendment of that return as a result of an enquiry under that Part—
  - (i) could be brought, or
  - (ii) has been brought but has not been finally determined or withdrawn.
- (4) An “extended time limit claim” is a claim under—
  - (a) section 79 of TIOPA 2010 (extended time limits for certain claims), or
  - (b) section 806(2) of ICTA (extended time limits for certain claims in relation to accounting periods to which section 79 of TIOPA 2010 does not apply).