

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Loan Relationships and Derivative Contracts (Disregard and Bringing into Account of Profits and Losses) Regulations 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations allow certain profits and losses from loan relationships and derivative contracts to be left out of account, to be brought into account in a different way or to be brought into account at a later date.

Regulation 1 provides for the citation, commencement and effect.

Regulation 2 provides for the interpretation.

Regulation 3 prescribes for exchange gains or losses arising from liabilities hedging shares etc. to be disregarded where the contract is matched with shares, ships or aircraft.

Regulation 4 prescribes for exchange gains or losses arising from derivative contracts hedging shares etc. to be disregarded where the contract is matched with shares, ships or aircraft.

Regulation 5 contains provisions supplementary to regulations 3 and 4.

Regulation 6 introduces, in relation to fair value profits and losses, specific rules which are contained in regulations 7, 8 and 9 and in particular provides for the rules in those regulations to be subject to elections.

Regulation 7 prescribes fair value profits and losses arising from derivative contracts which are currency contracts.

Regulation 8 prescribes bringing fair value profits and losses into account on commodity contracts and debt contracts.

Regulation 9 prescribes profits or losses arising from derivative contracts which are interest rate contracts.

Regulation 10 brings into account profits or losses arising on currency and commodity contracts.

These Regulations do not impose any new costs on business.

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Changes and effects yet to be applied to :

- reg 2 defn(s) added by S.I. 2005/2012 regs 23(b)
- reg 2 defn(s) subst by S.I. 2005/2012 regs 23(a)
- reg. 2(1) words inserted by 2019 c. 1 Sch. 20 para. 9(2)(a)
- reg. 2(1) words inserted by S.I. 2013/2781 reg. 2(2)
- reg. 2(1) words inserted by S.I. 2013/3209 reg. 10(2)(b)
- reg. 2(1) words inserted by S.I. 2014/3188 reg. 8(1)(a)
- reg. 2(1) words omitted by 2019 c. 1 Sch. 20 para. 9(2)(b)
- reg. 2(1) words omitted by S.I. 2013/3209 reg. 10(2)(a)
- reg. 2(1) words omitted by S.I. 2015/1961 reg. 3(a)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(b)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(c)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(d)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(e)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(f)(i)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(f)(ii)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(g)
- reg. 2(1) words substituted by S.I. 2014/3188 reg. 8(1)(h)
- reg. 2(1) words substituted by S.I. 2015/1961 reg. 3(b)
- reg. 2(2) words inserted by S.I. 2014/3188 reg. 8(2)(b)
- reg. 2(2) words inserted by S.I. 2015/1961 reg. 3(c)
- reg. 2(2) words substituted by S.I. 2014/3188 reg. 8(2)(a)
- reg. 2(5) applied by 2010 c. 8 s. 421(3) (as inserted) by 2017 c. 32 Sch. 5 para. 1
- reg. 2(5) words substituted by S.I. 2022/239 reg. 2(2)
- regs 3–8 am by S.I. 2005/2012 regs 24(1)–(3) (4)(a) (c)(i) (ii) (d) (5) 5(1) (2) (3)(a) (c)(i) (ii) (d) (4) 6(1) (2)(a) (b) (3)–(5) (6)(a) 7 8(1) (2) (4) (5) 9
- regs 34 defn(s) am by S.I. 2005/3374 regs 23
- regs 34 am by S.I. 2005/3374 regs 245
- regs 3–5 rev in pt by S.I. 2005/2012 regs 24(1)4(4)(b)4(4)(c)(iii)5(1)5(3)(b)5(3)(c) (iii)6(1)6(2)(c)6(6)(b)
- reg. 3(1) words substituted by S.I. 2014/3188 reg. 8(3)
- reg. 3(3) word substituted by S.I. 2011/698 reg. 3
- reg. 3(3) words omitted by S.I. 2011/2912 reg. 4(2)
- reg 4 defn(s) added by S.I. 2005/2012 regs 25(1)5(5)(b)
- reg 4 defn(s) rev by S.I. 2005/2012 regs 25(1)5(5)(a)
- reg. 4(1) words substituted by S.I. 2014/3188 reg. 8(4)
- reg. 4(3) word substituted by S.I. 2011/698 reg. 4
- reg. 4(3) words omitted by S.I. 2011/2912 reg. 5(2)
- reg 6 am by S.I. 2005/3374 regs 27(1)–(7) (9)–(12)
- reg 6 am by S.I. 2006/3236 reg 3
- reg 6 am by S.I. 2009/1886 regs 34
- reg 6 rev in pt by S.I. 2005/3374 regs 27(1)(8)
- regs 7–9 am by S.I. 2005/3374 regs 289
- reg 7 rev in pt by S.I. 2005/2012 regs 28(1)(3)
- reg. 7(1) words substituted by S.I. 2014/3188 reg. 8(8)(a)
- reg. 7(1) words substituted by S.I. 2014/3188 reg. 8(9)
- reg. 8(1) words substituted by S.I. 2014/3188 reg. 8(8)(b)
- reg. 8(1) words substituted by S.I. 2014/3188 reg. 8(9)
- reg 9 am by S.I. 2006/3236 reg 4
- reg. 9(1) words substituted by S.I. 2014/3188 reg. 8(8)(c)

- reg. 9(2) words substituted by S.I. 2014/3188 reg. 8(11)
- reg. 9(3) words substituted by S.I. 2014/3188 reg. 8(10)
- reg. 9(3) words substituted by S.I. 2015/1961 reg. 8(b)
- reg. 9(5)(6) omitted by S.I. 2015/1961 reg. 8(c)
- reg. 9(5) words substituted by S.I. 2014/3188 reg. 8(8)(c)
- reg. 9(6) words substituted by S.I. 2014/3188 reg. 8(8)(c)
- reg. 9(7) omitted by S.I. 2014/3188 reg. 8(12)
- reg 10 am by S.I. 2005/2012 regs 210(1)10(2)(a)(3)–(8)
- regs 10–12 am by S.I. 2005/3374 regs 211–13
- reg 10 rev in pt by S.I. 2005/2012 regs 210(1)10(2)(b)
- reg. 10(1) words substituted by S.I. 2014/3188 reg. 8(13)
- reg. 10(1) words substituted by S.I. 2015/1961 reg. 10(a)
- reg. 10(4) words substituted by S.I. 2014/3188 reg. 8(15)
- reg. 10(8) omitted by S.I. 2015/1961 reg. 10(c)
- reg. 10(8) words substituted by S.I. 2014/3188 reg. 8(16)(a)
- reg. 10(8) words substituted by S.I. 2014/3188 reg. 8(16)(b)
- reg. 10(9) substituted by S.I. 2015/1961 reg. 10(b)
- reg. 10(10) omitted by S.I. 2015/1961 reg. 10(c)
- reg. 10(10) words substituted by S.I. 2014/3188 reg. 8(8)(e)
- reg. 10(11) omitted by S.I. 2015/1961 reg. 10(c)
- reg. 10(11) words substituted by S.I. 2014/3188 reg. 8(8)(e)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2(3A) inserted by S.I. 2011/2912 reg. 3
- reg. 3(1A) omitted by S.I. 2014/3188 reg. 3
- reg. 3(1ZA) inserted by S.I. 2011/2912 reg. 4(1)
- reg. 3(5) words substituted by S.I. 2013/2781 reg. 2(3)
- reg. 3(5) words substituted by S.I. 2014/3188 reg. 8(3)
- reg. 3(5)(c) words substituted by 2019 c. 1 Sch. 20 para. 9(3)
- reg. 3(5)(c) words substituted by S.I. 2013/3209 reg. 10(3)
- reg. 4(1A) inserted by S.I. 2011/2912 reg. 5(1)
- reg. 4(4A) words substituted by S.I. 2013/2781 reg. 2(3)
- reg. 4(4A) words substituted by S.I. 2014/3188 reg. 8(5)
- reg. 4(4A)(c) words substituted by 2019 c. 1 Sch. 20 para. 9(4)
- reg. 4(4A)(c) words substituted by S.I. 2013/3209 reg. 10(3)
- reg. 4(4C) inserted by S.I. 2022/239 reg. 2(3)
- reg 4A added by S.I. 2005/3374 regs 26
- reg. 4A(7)–(7C) substituted for reg. 4A(7) by S.I. 2014/3188 reg. 4(2)
- reg. 4A(7) words inserted by S.I. 2011/698 reg. 5(2)
- reg. 4A(8)–(8B) omitted by S.I. 2014/3188 reg. 4(3)
- reg. 4A(8A)(8B) inserted by S.I. 2011/698 reg. 5(3)
- reg. 4A(9) second reg. 4A(6) renumbered as reg. 4A(9) by S.I. 2011/698 reg. 5(4)
- reg. 4A(9) words substituted by S.I. 2014/3188 reg. 8(6)
- reg. 4C substituted by S.I. 2011/698 reg. 6
- reg. 4C(1) words substituted by S.I. 2014/3188 reg. 5
- reg. 5(4) words substituted by S.I. 2014/3188 reg. 8(7)(a)
- reg. 5(4) words substituted by S.I. 2014/3188 reg. 8(7)(b)
- reg. 5(4) words substituted by S.I. 2014/3188 reg. 8(7)(c)
- reg. 5A inserted by S.I. 2015/1961 reg. 4
- reg. 5ZA inserted by S.I. 2022/239 reg. 2(4)
- reg. 6-6B substituted for reg. 6 by S.I. 2014/3188 reg. 6
- reg. 6(5A)(a) word omitted by S.I. 2013/3209 reg. 10(4)(a)
- reg. 6(5A)(c) and word inserted by S.I. 2013/3209 reg. 10(4)(b)

- reg. 6(5C)(a) word omitted by S.I. 2013/3209 reg. 10(4)(a)
- reg. 6(5C)(c) and word inserted by S.I. 2013/3209 reg. 10(4)(b)
- reg. 6A(3)(b) words substituted by S.I. 2015/1961 reg. 5(a)
- reg. 6A(4)(b) words substituted by S.I. 2015/1961 reg. 5(b)
- reg. 6A(5)(a) words substituted by S.I. 2015/1961 reg. 5(c)(i)
- reg. 6A(5)(b) words inserted by 2020 c. 14 Sch. 6 para. 8(a)
- reg. 6A(5)(b) words substituted by S.I. 2015/1961 reg. 5(c)(ii)
- reg. 6A(6) inserted by 2020 c. 14 Sch. 6 para. 8(b)
- reg. 6B-6D substituted for reg. 6B by S.I. 2015/1961 reg. 6
- reg. 7(4) omitted by S.I. 2015/1961 reg. 7(a)
- reg. 7(4) words substituted by S.I. 2014/3188 reg. 8(10)
- reg. 7(5) inserted by S.I. 2015/1961 reg. 7(b)
- reg. 7(5) words inserted by S.I. 2022/239 reg. 2(5)(a)
- reg. 7(5) words substituted by S.I. 2022/239 reg. 2(5)(b)
- reg 7A added (with transtl provns) by S.I. 2009/1886 regs 357
- reg. 7A(7A) inserted by S.I. 2022/239 reg. 2(6)
- reg. 9(2A) words inserted by S.I. 2015/1961 reg. 8(a)
- reg. 9(2A) words substituted by S.I. 2014/3188 reg. 8(11)
- reg 9A added by S.I. 2005/3374 regs 210
- reg 9A am by S.I. 2006/3236 reg 5
- reg. 9A cross-heading inserted by S.I. 2014/3188 reg. 7(1)
- reg. 9A omitted by S.I. 2015/1961 reg. 9
- reg. 9A(1) words substituted by S.I. 2014/3188 reg. 8(8)(d)
- reg. 9A(1)(c) substituted by S.I. 2014/3188 reg. 7(2)(a)
- reg. 9A(2) words substituted by S.I. 2014/3188 reg. 8(8)(d)
- reg. 9A(3) words substituted by S.I. 2014/3188 reg. 8(8)(d)
- reg. 9A(3A) substituted by S.I. 2014/3188 reg. 7(2)(b)
- reg. 10(3C) words substituted by S.I. 2014/3188 reg. 8(14)
- reg 10A added by S.I. 2009/1886 regs 36
- regs 1112 added by S.I. 2005/2012 regs 211
- reg 11 am by S.I. 2006/3236 reg 6
- reg. 11(1) words substituted by S.I. 2014/3188 reg. 8(17)(a)
- reg. 11(1A) words substituted by S.I. 2014/3188 reg. 8(17)(a)
- reg. 11(4) words substituted by S.I. 2014/3188 reg. 8(18)
- reg 12 am by S.I. 2006/3236 reg 7
- reg. 12(1) words substituted by S.I. 2014/3188 reg. 8(17)(b)
- reg. 12(1A) words substituted by S.I. 2014/3188 reg. 8(17)(b)
- reg. 12(3) words substituted by S.I. 2014/3188 reg. 8(18)
- reg. 12A inserted by S.I. 2014/3325 reg. 3(2)
- reg 13 added by S.I. 2009/1886 regs 37