
STATUTORY INSTRUMENTS

2019 No. 689

The Taxes (Amendments) (EU Exit) Regulations 2019

PART 2

Amendments to primary legislation

Corporation Tax Act 2010

17.—(1) The Corporation Tax Act 2010⁽¹⁾ is amended as follows.

(2) In section 107⁽²⁾—

- (a) in subsection (1A) for “the EEA (within the meaning of section 134A)” substitute “a relevant territory”;
- (b) after subsection (9) insert—

“(10) For the purposes of this section a company is established in a relevant territory if—

- (a) it is constituted under the law of the United Kingdom or a relevant territory, and
- (b) it has its registered office, central administration or principal place of business within the European Economic Area or Gibraltar.

(11) In subsection (10) “relevant territory”, in relation to any time, means a territory outside the United Kingdom that is within the European Economic Area at that time or Gibraltar.”.

(3) In section 112, in the definition of “EEA territory”—

- (a) the words from “a territory” to the end become paragraph (a) of that definition;
- (b) after that paragraph insert—
“, or
(b) Gibraltar.”.

(4) In section 188BI⁽³⁾—

- (a) in subsection (2) for “the EEA” substitute “a relevant territory”;
- (b) for subsections (13) and (14) substitute—

“(13) For the purposes of this section a company is established in a relevant territory if—

- (a) it is constituted under the law of the United Kingdom or a relevant territory, and
- (b) it has its registered office, central administration or principal place of business within the European Economic Area or Gibraltar.

⁽¹⁾ 2010 c. 4.

⁽²⁾ Section 107(1A) was inserted by section 30(2) of the Finance Act 2013.

⁽³⁾ Section 188BI was inserted by paragraph 23 of Schedule 4 to the Finance (No. 2) Act 2017.

Status: Point in time view as at 31/12/2020. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Taxes (Amendments) (EU Exit) Regulations 2019, Section 17. (See end of Document for details)

(14) In subsection (13) “relevant territory”, in relation to any time, means a territory outside the United Kingdom that is within the European Economic Area at that time or Gibraltar.”.

(5) In section 269ZG(6)(4) omit paragraphs (b) and (c).

(6) For section 357XC(2)(a)(5) substitute—

“(a) “UCITS” means—

(i) a UCITS within the meaning given by section 236A of the Financial Services and Markets Act 2000(6); or

(ii) an undertaking established in Gibraltar which is a UCITS under the law of Gibraltar which implemented [Directive 2009/65/EC](#) of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities(7);”.

(7) In section 512(1)(a) after “by” insert “Her Majesty’s Government in the United Kingdom or by”.

(8) In section 635(8)—

(a) in subsection (2)—

(i) omit “, or” at the end of paragraph (a);

(ii) omit paragraph (b);

(b) omit subsection (6).

(9) In section 661A(9)—

(a) in subsection (1)—

(i) in paragraph (a) for “a member State” substitute “the United Kingdom”;

(ii) in paragraph (b) for “a single member State or relevant territory” substitute “the United Kingdom or are all located in a single relevant territory”;

(b) in subsection (2) for “means a territory specified in regulations under paragraph 2(3)(b)” substitute “has the meaning given by paragraph 2(3)”.

(10) In the italic cross-heading before section 990, at the beginning insert “UK Economic Interest Groupings and”.

(11) In section 990—

(a) in the heading, at the beginning insert “UK Economic Interest Groupings(10) and”;

(b) in subsection (1) after “rules about” insert “UK Economic Interest Groupings and”;

(c) for subsection (7) substitute—

“(7) “European Economic Interest Grouping” means a grouping registered in a member State and formed in pursuance of [Council Regulation \(EEC\) No. 2137/85](#) of 25 July 1985 on the European Economic Interest Grouping(11) as it has effect in EU law.”.

(12) In section 1120(2) omit paragraph (c).

(4) Section 269ZG was inserted by paragraph 16 of Schedule 4 to the Finance (No 2) Act 2017.

(5) Section 357XC was inserted by section 1 of the Corporation Tax (Northern Ireland) Act 2015 (c. 21).

(6) 2000 c. 8. Section 236A was inserted S.I. 2019/325.

(7) OJ No. L 302, 17.11.2009, p.32. [Directive 2009/65/EC](#) was amended by [Directive 2014/91/EU](#), OJ No. L 257, 28.8.2014, p.186.

(8) Section 635(2) was amended by paragraph 129 of Schedule 18 to the Financial Services Act 2012 (c. 21).

(9) Section 661A was inserted by paragraph 32 of Schedule 6 to the Finance Act 2010 (c. 13).

(10) See the European Economic Interest Grouping (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1299).

(11) OJ L No. 199, 31.07.1985, p. 1.

(13) For section 1158(4)(12) substitute—

“(4) For this purpose “regulated market” means—

- (a) a UK regulated market within the meaning given by Article 2.1(13A) of Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments,
- (b) an EU regulated market within the meaning given by Article 2.1(13B) of that Regulation, and
- (c) a regulated market within the meaning given by Article 2.1(13) of that Regulation which is authorised and functions regularly and in accordance with Part 3 of the Financial Services (Markets in Financial Instruments) Act 2018 of Gibraltar.”

Commencement Information

- II** [Reg. 17](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)

Status:

Point in time view as at 31/12/2020. This version of this provision has been superseded.

Changes to legislation:

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