

2024 No. 320

CORPORATION TAX

The Relief for Creative Industries (Additional Information Requirements and Miscellaneous Amendments) Regulations 2024

<i>Made</i> - - - -	<i>5th March 2024</i>
<i>Laid before the House of Commons</i>	<i>8th March 2024</i>
<i>Coming into force</i> - -	<i>1st April 2024</i>

The Commissioners for His Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by paragraph 83WA of Schedule 18 to the Finance Act 1998(a), section 132 of the Finance Act 1999(b), section 135 and 136 of the Finance Act 2002(c) and now exercisable by them(d).

Citation and Commencement

1. These Regulations may be cited as the Relief for Creative Industries (Additional Information Requirements and Miscellaneous Amendments) Regulations 2024 and come into force on 1st April 2024.

Additional information to be provided in relation to creative industry claims

2.—(1) A claim under Parts 14A-15E of the Corporation Tax Act 2009(e) is invalid unless the information specified in Table 1 of the Schedule (Required information relating to all creative sector relief claims) is provided to an officer of Revenue and Customs not later than the date on which the claim is made or amended by the company in accordance with paragraph 83W of Schedule 18 of the Finance Act 1998;

(2) Where a claim under Parts 14A, 15C, 15D or 15E of the Corporation Tax Act 2009 includes “connected party expenditure”, paragraph (3) applies unless the information specified in Table 2 of the Schedule (Required information relating to connected party transactions) is provided to an officer of Revenue and Customs not later than the date specified in paragraph (1).

(3) Where this paragraph applies, total qualifying expenditure is to be reduced by the amount of connected party expenditure arising from any transaction that is partly or wholly undisclosed.

(a) 1998 c. 36; Schedule 18, paragraph 83WA was inserted by paragraph 3 of Schedule 6 to the Finance Act 2024, section 7.
(b) 1999 c. 16; section 132 (1) was amended by section 411 (2) of, and paragraph 156 of Schedule 17 to, the Communications Act 2003 (c. 21), S.I. 2003/1900 and 2003/3142.
(c) 2002 c. 23; section 135 of the Finance Act 2002 was amended by section 53 (1) of, and paragraph 95 (1) of Schedule 4 to, the Commissioners for Revenue and Customs Act 2005 (c. 11), section 93 of the Finance Act 2007 (c. 11) and article 2 (2) (h) of S.I. 2005/1126.
(d) By virtue of section 5 (2) of the Commissioners for Revenue and Customs Act 2005 functions previously exercisable by the Commissioners of Inland Revenue are now exercisable by the Commissioners for His Majesty's Revenue and Customs.
(e) 2009 c. 4.

- (4) In these regulations—
- (a) “connected party expenditure” means the amount of total qualifying expenditure which represents a payment made to a person who is connected with the company within the meaning of section 1316 of the Corporation Tax Act 2009; and
 - (b) “total qualifying expenditure” has the same meaning as “relevant global expenditure” in Step 1 of section 117CA, Part 14A of the Corporation Tax Act 2009 in relation to Audio-Visual Expenditure Credit and Video Games Expenditure Credit, section 1217JA, Part 15C of the Corporation Tax Act 2009 for Theatre Tax Relief, section 1217RF, Part 15D of the Corporation Tax Act 2009 for Orchestra Tax Relief and section 1218ZCG, Part 15E of the Corporation Tax Act 2009 for Museums and Galleries Exhibition Tax Relief.

Amendment of the Income and Corporation Taxes (Electronic Communications) Regulations 2003

3.—(1) The Income and Corporation Taxes (Electronic Communications) Regulations 2003(a) are amended as follows

- (2) In regulation 2 (scope of these Regulations)—
- (a) after paragraph (1) (a) (viii), omit “or”;
 - (b) after paragraph (1) (a) (ix), substitute “and” for “or;” and
 - (c) after paragraph (1) (a) (ix), insert—
 - “(x) paragraph 83WA(1) of Schedule 18 to the Finance Act 1998; and”
- (3) In regulation 3 (use of electronic communication), in paragraph (2A)—
- (a) after “paragraph 83EA”, insert “, or paragraph 83WA”; and
 - (b) after the third sentence insert –
 - “This paragraph also applies to an amendment made on or after 1 April 2024, where the company tax return includes a claim within Parts 14A to 15E of the Corporation Tax Act 2009”.

Jim Harra
Angela MacDonald

5th March 2024

Two of the Commissioners for His Majesty’s Revenue and Customs

SCHEDULE

Regulation 2

Additional information to be provided in relation to creative claims

1. A claim to which Part 9D of Schedule 18 to the Finance Act 1998 (claims for tax relief under Parts 14A to 15E of the Corporation Tax Act 2009) applies must include the information specified in Table 1 in respect of—

- (1) the company (“company” has the same meaning as section 1121 of the Corporation Tax Act 2010);
- (2) the company officer responsible for ensuring the accuracy of the information provided under this Schedule;
- (3) any agent or tax adviser engaged by the company, or which has provided services to the company, in any capacity in relation to the claim;
- (4) the claim; and

(a) S.I. 2003/282; relevantly amended by S.I. 2009/3218, 2010/2942, 2014/489 and 2023/221

(5) information relating to individual productions.

2. Claims under Parts 14A, 15C, 15D or 15E of the Corporation Tax Act 2009 relating to connected party transactions must also include the information specified in Table 2.

Table 1 – Required information relating to all creative claims under Parts 14A to 15E of the Corporation Tax Act 2009.

<i>Topic</i>	<i>Specified information</i>
The company	<ul style="list-style-type: none"> (a) accounting period start and end date, (b) registered name, (c) unique taxpayer reference number, (d) VAT registration number (if registered for VAT), (e) employer's PAYE reference, within the meaning of regulation 2(1) of the Income Tax (Pay as you Earn) Regulations 2003 where applicable^(a) (f) foreign Entertainers Unit reference number where applicable, and (g) details of responsible officer: <ul style="list-style-type: none"> (i) full name, (ii) telephone number, (iii) e-mail address, and (iv) role in company
Agent(s) or tax adviser(s)	<ul style="list-style-type: none"> (a) name (or, if the agent or adviser is a registered company, its registered name), (b) office address, (c) additional information required when the form is completed by the agent; <ul style="list-style-type: none"> (i) full name, (ii) telephone number, (iii) e-mail address; and (iv) third party authorisation form or other letter of authority in cases in which this has not already been provided to HM Revenue and Customs.
Details of claim(s)	<ul style="list-style-type: none"> (a) type or types of relief claimed, and (b) number of productions claimed per relief type.
Complete for every individual production	<ul style="list-style-type: none"> (a) name of production, (b) start date of pre-production, (c) date of abandonment if applicable, (d) full relief and/or credit computation expenditure breakdown.

^(a) S.I. 2003/2682, to which there are amendments not relevant to these Regulations.

- (e) for Theatrical productions:
 - (i) date of first paid public performance,
 - (ii) whether a touring rate is being claimed,
 - (iii) touring information, to include the number, date(s) and location(s) of performance(s).
- (f) for Orchestral productions:
 - (i) date of opening night,
 - (ii) whether a concert series election has been made and if so, the date of the election.
- (g) for Museums and Galleries Exhibitions:
 - (i) date of opening day,
 - (ii) confirmation of whether the claimant is the primary or secondary production company, and
 - (iii) whether a touring rate is being claimed.
- (h) for expenditure credits, Film Tax Relief, High-End Television Tax Relief, Children's Television Tax Relief and Video Games Tax Relief.
 - (i) British Film Institute certificate reference number,
 - (ii) British Film Institute certificate(s), and
 - (iii) reason why the production name does not match the name on the certificate, where applicable.
- (a) core expenditure for the period(c),
- (b) UK or EEA core expenditure for the period,
- (c) total expenditure for the period(d),
- (d) qualifying expenditure for the period(e)
- (e) amount of loss surrendered for the period(a),

Per relief type – cultural(a) and existing Audio-visual reliefs(b)

-
- (a) Parts 15C-15E.
 - (b) Parts 15-15B.
 - (c) The amount of expenditure incurred in the accounting period which meets the definition of core expenditure in sections 1184, 1216AG, 1217AD, 1217GC, 1217RC or 1218ZCD of the Corporation Tax Act 2009.
 - (d) The amount of expenditure incurred in the accounting period which meets the definition of costs in section 1191, 1216BC, 1217BC, 1217IC, 1217QD, 1218ZBC of the Corporation Tax Act 2009. Companies should provide the total amount for all productions which fall under the same type of relief.
 - (e) The amount of additional deduction given by sections 1200, 1216CG, 1217CG, 1217J, 1217RE or 1218ZCF of the Corporation Tax Act 2009.

Per relief type – for each strand of Audio-visual Expenditure Credit separately and Video Games Expenditure Credit

At company level for claims including the Audio-visual Expenditure Credit and/or Video Games Expenditure Credit

- (f) amount of tax credit claimed**(b)**.
- (a) core expenditure for the period**(c)**,
- (b) UK core expenditure for the period,
- (c) total expenditure for the period**(d)**; and
- (d) qualifying expenditure for the period**(e)**.
- (a) total combined Audio-Visual Expenditure Credit and Video Games Expenditure Credit credits for the period**(f)**;
- (b) amount of Step 2 brought forward credit in the previous period under section 1179CD(3) Corporation Tax Act 2009 and surrendered Audio-Visual Expenditure Credit and/or Video Games Expenditure Credit received from a company in the same group under Step 4 of section 1179CC, section 1179CD(2) or (5) of the Corporation Tax Act 2009 and used to discharge Corporation Tax liabilities,
- (c) Steps to be followed;
 - (i) Step 1: Amount of credit used to discharge Corporation Tax liabilities,
 - (ii) Step 2: Amount withheld (if any),
 - (iii) Step 3: Amount used to discharge corporation tax liability of another accounting period,
 - (iv) Step 4: Credit surrendered to group member,
 - (v) Step 5: Amount used to discharge any other company liabilities,
 - (vi) Step 6: Credit payable.
- (d) Amount withheld at Step 2 and surrendered to other group companies,
- (e) Expenditure credit redemption calculation.

Table 2 Required information relating to connected party transactions.

- (a) The amount of loss surrendered in exchange for a payable tax credit in accordance with section 1202, 1216CI, 1217CI, 1217K, 1217RG or 1218ZCH of the Corporation Tax Act 2009.
- (b) The amount of payable tax payable tax credit to which the company is entitled in accordance with sections 1202, 1216CI, 1217CI, 1217K, 1217RG or 1218ZCH of the Corporation Tax Act 2009.
- (c) The amount of expenditure incurred in the accounting period which meets the definition of core expenditure in section 1179DS or section 1179FK and does not meet the definition of excluded expenditure in sections 1179DU, 1179DT, 1179FL or 1179FM of the Corporation Tax Act 2009.
- (d) The amount of expenditure incurred in the accounting period which meets the definition of costs in section 1179DX or Section 1179FP of the Corporation Tax Act 2009.
- (e) The amount given by Step 4 of section 1179CA of the Corporation Tax Act 2009
- (f) The combined total of amounts given by Step 5 of section 1179CA of the Corporation Tax Act 2009 for all productions of the company.

<i>Topic</i>	<i>Specified information</i>
Details to be provided for each Production	(a) Declaration of connected party transaction(s), (b) Number of connected parties for the period, and (c) Total value of transactions for the period
Details to be provided for each transaction	(a) Date of transaction, (b) Name of connected party, (c) Amount of transaction, and (d) Description of goods/services provided.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income and Corporation Taxes (Electronic Communications) Regulations 2003 (S.I. 2003/282) (“the 2003 Regulations”) to require claims for the creative sector tax reliefs to be submitted electronically. These regulations also specify the additional information required to be provided by claimant companies in support of any claims for the creative sector tax reliefs.

Part 9D of Schedule 18 to the Finance Act 1998 deals with claims for the creative sector tax reliefs, which are set out in Parts 14A to 15E of the Corporation Tax Act 2009.

Paragraph 83WA of Schedule 18 to the Finance Act 1998 provides that regulations may specify the information to be provided by the claimant company, the form and the manner in which, and the time by which, that information is to be provided, and the consequences of failing to provide that information. Regulation 2 (1) specifies the information that is required to make a claim for the creative sector tax reliefs, the time by which that information should be provided and the consequences of a failure to provide that information. Regulations 2(2) to 2(4) concerns the additional information that is required to be disclosed where a claim relates to connected party transactions, the time by which that information should be provided and the consequences of a failure to provide that information.

Regulation 3 amends the 2003 Regulations so that the additional information to be provided under paragraph 83WA(1) of Schedule 18 to the Finance Act 1998 and amended returns that relate to a creative sector relief claim must be delivered electronically.

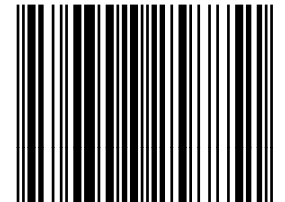
© Crown copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

£8.14

<http://www.legislation.gov.uk/id/uksi/2024/320>

ISBN 978-0-34-825885-1



9 780348 258851