
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. 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](#)

SCHEDULES

SCHEDULE 7

Sections 51(5), 65(5)

TRANSFER SCHEMES: TAX

Overview

- 1 This Schedule makes provision about the fiscal effect of transfers under schemes made under sections 51 and 65.

Commencement Information

- II** [Sch. 7 para. 1](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

Key concepts

- 2 (1) In this Schedule—
- (a) “transfer scheme” means a scheme under section 51 or 65, and
 - (b) “transfer” means a transfer under a transfer scheme.
- (2) In this Schedule “transfer between bodies” means a transfer—
- (a) from the Urban Regeneration Agency, the Commission for the New Towns or the Housing Corporation, and
 - (b) to the HCA or the Regulator of Social Housing.
- (3) In this Schedule “transfer to government” means a transfer to—
- (a) a Minister of the Crown, or
 - (b) the Welsh Ministers.

Commencement Information

- I2** [Sch. 7 para. 2](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

Other definitions

- 3 (1) In this Schedule—
- (a) ICTA means the Income and Corporation Taxes Act 1988 (c. 1),
 - (b) TCGA means the Taxation of Chargeable Gains Act 1992 (c. 12),
 - (c) FA 1996 means the Finance Act 1996 (c. 8),
 - (d) FA 2002 means the Finance Act 2002 (c. 23), and
 - (e) HMRC means the Commissioners for Her Majesty's Revenue and Customs.

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(2) In this Schedule a reference to a trade includes a reference to part of a trade.

Commencement Information

I3 [Sch. 7 para. 3](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\)](#), [3\(1\)](#)

Corporation tax: continuity of trade

- 4 (1) This paragraph applies if as the result of a transfer scheme—
- (a) a transferor ceases a trade, and
 - (b) a transferee commences it.
- (2) In connection with the computation of profits and losses for the purpose of corporation tax in respect of periods wholly or partly after the commencement of the transfer scheme—
- (a) the transferee shall be treated as having always carried on the trade, and
 - (b) the trade shall be considered separately from any other trade of the transferee (with any necessary apportionment being made).

Commencement Information

I4 [Sch. 7 para. 4](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\)](#), [3\(1\)](#)

Corporation tax: capital allowances

- 5 (1) This paragraph applies in respect of property transferred under a transfer scheme from—
- (a) the Urban Regeneration Agency, or
 - (b) the Commission for the New Towns.
- (2) Where the property was used by the transferor, and is to be used by the transferee, in connection with a trade, section 343(2) of ICTA (company reconstructions: capital allowances) shall apply.

Commencement Information

I5 [Sch. 7 para. 5](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\)](#), [3\(1\)](#)

- 6 The following transfers shall be treated as giving rise to neither allowance nor charge for the purposes of capital allowances in respect of a trade (and allowances shall be calculated as if the transferee had always carried on the trade)—
- (a) a transfer from the Housing Corporation, and
 - (b) a transfer to government.

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Commencement Information

- I6** [Sch. 7 para. 6](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\)](#), 3(1)

Corporation tax: capital gains

- 7 (1) This paragraph applies in respect of property transferred under a transfer scheme from—
- (a) the Urban Regeneration Agency,
 - (b) the Commission for the New Towns, or
 - (c) the Housing Corporation.
- (2) Section 17 of TCGA (disposals and acquisitions treated as at market value) shall not apply.
- (3) For the purposes of TCGA the transfer (in relation to the transferor and the transferee) is to be taken as being a disposal for a consideration such that neither gain nor loss accrues.

Commencement Information

- I7** [Sch. 7 para. 7](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\)](#), 3(1)

- 8 A transfer shall be disregarded for the purposes of section 30 of TCGA (value-shifting: tax-free benefits).

Commencement Information

- I8** [Sch. 7 para. 8](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\)](#), 3(1)

^{F19}

Textual Amendments

- F1** [Sch. 7 para. 9](#) repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 1(2), Sch. 1 para. 59, [Sch. 3](#) (with [Sch. 2](#)) (see [S.I. 2008/3068](#), art. 2(1)(b))

Commencement Information

- I9** [Sch. 7 para. 9](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\)](#), 3(1)

Corporation tax: intangible assets

- 10 (1) This paragraph applies for the purposes of Schedule 29 to FA 2002 (intangible assets).

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- (2) Expressions used in this paragraph have the same meaning as in that Schedule.
- (3) A transfer between bodies of a chargeable intangible asset is a tax-neutral transfer.
- (4) An intangible fixed asset which is an existing asset of the transferor at the time of a transfer between bodies is to be treated, on and after the transfer, as an existing asset of the transferee.
- (5) A transfer to government of a chargeable intangible asset is to be treated as not involving a realisation of the asset by the transferor.

Commencement Information

I10 [Sch. 7 para. 10](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

Corporation tax: loan relationships

- 11 (1) If as a result of a transfer the transferee replaces the transferor as a party to a loan relationship, paragraph 12(2) of Schedule 9 to FA 1996 (transfer within group: continuity of treatment) shall apply (whether or not the transferor and transferee are bodies corporate).
- (2) Expressions used in this paragraph have the same meaning as in that Schedule.

Commencement Information

I11 [Sch. 7 para. 11](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

Stamp duty

- 12 (1) Stamp duty shall not be chargeable on a transfer scheme.
- (2) Stamp duty shall not be chargeable on a document certified by HMRC as connected with a transfer scheme.
- (3) A document which is not chargeable by virtue of this paragraph must be stamped in accordance with section 12 of the Stamp Act 1891 (c. 39) with a stamp denoting that it is not chargeable.

Commencement Information

I12 [Sch. 7 para. 12](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

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

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

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 107(2A) inserted by 2023 c. 36 s. 3(2)(c)
- s. 107(4A)(4B) inserted by 2023 c. 36 s. 3(2)(f)
- s. 107(6A) inserted by 2023 c. 36 s. 3(2)(i)
- s. 115(6A) inserted by 2023 c. 36 s. 8(d)
- s. 117(1A) inserted by 2023 c. 36 s. 4(3)
- s. 117(4A) inserted by 2023 c. 36 s. 4(5)
- s. 126A-126D inserted by 2023 c. 36 s. 10(2)
- s. 146(2B) inserted by 2023 c. 36 s. 12(3)(e)
- s. 153(1)(ba) inserted by 2023 c. 36 s. 12(6)(a)
- s. 153(1A) inserted by 2023 c. 36 s. 12(6)(b)
- s. 154(2)(ab) inserted by 2023 c. 36 Sch. 1 para. 18
- s. 161A inserted by 2023 c. 36 s. 18(2)
- s. 163A applied (with modifications by S.I. 2023/1311 reg. 9)
- s. 163A inserted by 2023 c. 36 s. 17(3)
- s. 163B inserted by 2023 c. 36 s. 18(3)
- s. 169CA inserted by 2023 c. 36 s. 19(4)
- s. 169CB-169CD and cross-heading inserted by 2023 c. 36 s. 20(2)
- s. 169ZA inserted by 2023 c. 36 Sch. 5 para. 14
- s. 199(9) inserted by 2023 c. 36 s. 28(2)(c)
- s. 199A-199B inserted by 2023 c. 36 s. 28(3)
- s. 200(4A) inserted by 2023 c. 36 s. 28(4)(d)
- s. 201A inserted by 2023 c. 36 s. 29(2)
- s. 203A inserted by 2023 c. 36 s. 30(4)
- s. 215(1A) inserted by 2023 c. 36 s. 29(3)
- s. 218(2)(e) inserted by 2023 c. 36 Sch. 5 para. 26(b)
- s. 218A-218D and cross-heading inserted by 2023 c. 36 s. 31(2)
- s. 220(11B) inserted by 2023 c. 36 s. 10(3)
- s. 220(11D)(11E) inserted by 2023 c. 36 s. 31(3)
- s. 225A-225H and cross-heading inserted by 2023 c. 36 s. 32
- s. 227(7B) inserted by 2023 c. 36 s. 10(4)
- s. 227(7D)(7E) inserted by 2023 c. 36 s. 31(4)
- s. 237(5)(6) inserted by 2023 c. 36 s. 31(5)
- s. 247(1)(c) and word inserted by 2023 c. 36 s. 31(6)
- s. 247(1)(ab)(ac) inserted by 2023 c. 36 s. 10(5)
- s. 249(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 7(b)
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)
- s. 252(2A) inserted by 2023 c. 36 Sch. 3 para. 9(b)
- s. 252A(2)(c)(d) inserted by 2023 c. 36 s. 10(7)(b)
- s. 252A(2)(e) inserted by 2023 c. 36 Sch. 3 para. 10(b)
- s. 252A(2)(f) and word inserted by 2023 c. 36 s. 31(8)
- s. 253(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 11(b)
- s. 255(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 12(b)
- s. 259(3A) inserted by 2023 c. 36 Sch. 3 para. 15(d)
- s. 266(9) inserted by 2023 c. 36 Sch. 3 para. 17(b)
- s. 269(1)(ba)(bb) inserted by 2023 c. 36 Sch. 3 para. 18(c)

– s. 269(1A) inserted by [2023 c. 36 Sch. 3 para. 18\(d\)](#)