



British Telecommunications Act 1981

1981 CHAPTER 38

PART III

MISCELLANEOUS AND GENERAL

82 Tax provisions.

- (1) For the purposes of the [^{F1}Taxation of Chargeable Gains Act 1992] any asset transferred by this Act from the Post Office to the Corporation, or from the Corporation to the Post Office, shall be deemed to be for a consideration such that no gain or loss accrues to the transferor on its transfer; and [^{F1}Schedule 2] to that Act shall have effect in relation to any asset so transferred as if the acquisition or provision of it by the transferor, or the acquisition or provision of it by the Crown which is treated as the acquisition or provision of it by the transferor, had been the acquisition or provision of it by the transferee.
- (2) For the purposes of the Corporation Tax Acts—
 - (a) the part of the Post Office's trade transferred by this Act to the Corporation ("the transferred trade") and the part thereof retained by the Post Office ("the retained trade") shall be treated as having been, at all times since the commencement of the Post Office's trade, separate trades carried on by the Corporation and the Post Office respectively; and
 - (b) the trade carried on by each of those bodies after the appointed day shall be treated as the same trade as that which, by virtue of paragraph (a), it is treated as having carried on before that day.
- (3) The aggregate of the amounts for which the Corporation and the Post Office are entitled to relief under section 177(1) of the ^{M1}Income and Corporation Taxes Act 1970, as for losses sustained by them before the appointed day in carrying on the transferred trade and the retained trade, shall not exceed the amount which, if subsection (2) had not been enacted and the Post Office had continued to carry on both trades, would have been available to it for carrying forward against trading income from the trades in succeeding accounting periods.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981, Section 82. (See end of Document for details)

- (4) Where, in the discharge of any liability which is transferred to the Corporation by this Act, the Corporation makes payments to the trustees of a retirement benefits scheme with a view to the provision of relevant benefits for persons who are employees of the Post Office, the Tax Acts shall have effect in relation to those payments—
- (a) as if those persons were employees of the Corporation; and
 - (b) where the scheme is an exempt approved scheme, as if paragraph (a) of the proviso to section 21(3) of the ^{M2}Finance Act 1970 were omitted;
- and in this subsection expressions which are also used in Chapter II of Part II of the said Act of 1970 have the same meanings as in that Chapter.
- (5) Any transfer by this Act of an interest in land from the Post Office to the Corporation, or from the Corporation to the Post Office, shall be deemed to be a disposal to which subsection (1) of section 20 of the ^{M3}Development Land Tax Act 1976 (groups of companies) applies.
- (6) For the purposes of section 21 of the ^{M4}Finance Act 1972 (value added tax: group registration) the Corporation, the Post Office and any bodies corporate resident in the United Kingdom or the Isle of Man which are subsidiaries of either of those bodies shall be eligible to be treated as members of a group until the expiration of the period of three years beginning with the appointed day; and where, by virtue of this subsection, two or more bodies are so treated, the Commissioners of Customs and Excise shall, as soon as practicable after the expiration of that period, by notice to those bodies, terminate that treatment from such date as may be specified in the notice.
- (7) Subsections (2) and (3) shall have effect in relation to accounting periods of the Corporation and of the Post Office ending on or after the appointed day.

Textual Amendments

- F1** Words in s. 82(1) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290(1), **Sch. 10 para.5** (with ss. 60, 101(1), 201(3)).

Modifications etc. (not altering text)

- C1** S. 82(4) amended (*temp.* during the transitional period referred to in s. 69(1) of the Telecommunications Act 1984 (c. 12)) by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 5 para. 39(9)**

Marginal Citations

- M1** 1970 c. 10.
M2 1970 c. 24.
M3 1976 c. 24.
M4 1972 c. 41.

Changes to legislation:

There are currently no known outstanding effects for the British Telecommunications Act 1981, Section 82.