



Telecommunications Act 1984

1984 CHAPTER 12

PART V

TRANSFER OF UNDERTAKING OF BRITISH TELECOMMUNICATIONS

Miscellaneous and supplemental

72 Tax provisions.

- (1) [^{F1}Subject to subsection (2) below and paragraph 39 of Schedule 5 to this Act,] the successor company shall be treated for all purposes of corporation tax [^{F1}and development land tax]as if it were the same person as British Telecommunications.
- (2) [^{F2}The successor company shall not by virtue of subsection (1) above be regarded as a body falling within section [^{F3}170(12) of the Taxation of Chargeable Gains Act 1992] (bodies established for carrying on industries or undertakings under national ownership or control) or subsection (10) of section 23 of the ^{M1}Development Land Tax Act 1976 (statutory undertakers); and subsection (1) above shall not be regarded as preventing the vesting in the successor company of an interest of British Telecommunications constituting a disposal for the purposes of the said section 23.]
- [^{F4}(3) Where, in the discharge of any liability which is vested in the successor company by this Act, the successor company makes payments—
 - (a) to an occupational pension scheme,
 - (b) with a view to the provision of benefits authorised under Chapter 3 of Part 4 of the Finance Act 2004, and
 - (c) for persons who are employees of the Post Office,the Taxes Acts shall have effect in relation to those payments as if those persons were employees of the successor company and in this subsection expressions which are used in Part 4 of the Finance Act 2004 have the same meanings as in that Part.]
- (4) [^{F2}The vesting in the successor company by virtue of section 60 above of liability for any loan made to British Telecommunications shall not affect any direction in respect of the loan which has been given by the Treasury under section [^{F5}581] of the Income

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 72. (See end of Document for details)

and Corporation Taxes Act [^{F5}1988] (income tax exemption for interest on foreign currency securities).]

- (5) [^{F2}If the transfer date falls before the end of the period of three years beginning with 1st October 1981, then, for the purposes of section 29 of the ^{M2}Value Added Tax Act 1983 (value added tax: group registration) the successor company, the Post Office and any bodies corporate resident in the United Kingdom which are subsidiaries of either of those bodies shall be eligible to be treated as members of a group from that date until the end of that period; 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 end of that period, terminate that treatment from such date as may be specified in the notice.]

Textual Amendments

- F1** Words in s. 72(1) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with **Sch. 18**, **Sch. 19(1)** Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), **Sch. 1** (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, **Sch. 1** (with art. 11)
- F2** S. 72(2)(4)(5) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(g), 406, 408, 411, **Sch. 19(1)** (with **Sch. 18**, **Sch. 19(1)** Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), **Sch. 1** (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, **Sch. 1** (with art. 11)
- F3** Words in s. 72(2) 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. 7** (with ss. 60, 101(1), 201(3)).
- F4** S. 72(3) substituted (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), **art. 2**
- F5** Words substituted by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, **Sch. 29 para. 32**, **Sch. 30 para. 6(1)**

Marginal Citations

- M1** 1976 c. 24.
M2 1983 c. 55.

Changes to legislation:

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 72.