



# Income and Corporation Taxes Act 1988

## 1988 CHAPTER 1

### PART I

#### THE CHARGE TO TAX

##### *Corporation tax*

#### 6 The charge to corporation tax and exclusion of income tax and capital gains tax.

(1)<sup>F1</sup> .....

(2)<sup>F1</sup> .....

(3)<sup>F1</sup> .....

(4)<sup>F2</sup> .....

[<sup>F3</sup>(4A)<sup>F4</sup> .....

<sup>F5</sup>(5) .....

#### Textual Amendments

- F1** S. 6(1)-(3) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 2(2), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F2** S. 6(4) repealed (1.4.2010 with effect in accordance with s. 1184(1) of the repealing Act) by Corporation Tax Act 2010 (c. 4), Sch. 1 para. 2, **Sch. 3 Pt. 1** (with Sch. 2)
- F3** S. 6(4A) inserted (6.4.2005 with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), **Sch. 1 para. 6** (with Sch. 2)
- F4** S. 6(4A) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 2(4), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F5** S. 6(5) repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 7 para. 36, **Sch. 10 Pt. 12** (with Sch. 9 Pt. 1)

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**7 Treatment of certain payments and repayment of income tax.**

F6 .....

**Textual Amendments**  
F6 S. 7 repealed (1.4.2010 with effect in accordance with s. 1184(1) of the repealing Act) by Corporation Tax Act 2010 (c. 4), Sch. 1 para. 3, Sch. 3 Pt. 1 (with Sch. 2)

**8 General scheme of corporation tax.**

F7 .....

**Textual Amendments**  
F7 S. 8 repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 3, Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2)

**[<sup>F8</sup>8A Resolutions to reduce corporation tax.**

F9 .....]

**Textual Amendments**  
F8 S. 8A inserted (27.7.1993) by 1993 c. 34, s. 206(2)  
F9 S. 8A repealed (29.4.1996) by Finance Act 1996 (c. 8), ss. 138, 205, Sch. 24 para. 10, Sch. 41

**9 Computation of income: application of income tax principles.**

(1) <sup>F10</sup> .....

(2) <sup>F10</sup> .....

[<sup>F11</sup>(2A) <sup>F10</sup> .....

(2B) <sup>F10</sup> .....

(2C) <sup>F10</sup> .....]

(3) <sup>F10</sup> .....

(4) <sup>F10</sup> .....

(5) Where <sup>F12</sup> . . . any enactment applies both to income tax and to corporation tax—

- (a) it shall not be affected in its operation by the fact that they are distinct taxes but, so far as is consistent with the Corporation Tax Acts, shall apply in relation to income tax and corporation tax as if they were one tax, so that, in particular, a matter which in a case involving two individuals is relevant for both of them in relation to income tax shall in a like case involving an individual and a company be relevant for him in relation to that tax and for it in relation to corporation tax; and

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- (b) for that purpose references in any such enactment to a relief from or charge to income tax, or to a specified provision of the Income Tax Acts shall, in the absence of or subject to any express adaptation, be construed as being or including a reference to any corresponding relief from or charge to corporation tax, or to any corresponding provision of the Corporation Tax Acts.

(6) <sup>F13</sup> .....

**Textual Amendments**

- F10** S. 9(1)-(4) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 4(2), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F11** S. 9(2A)-(2C) inserted (6.4.2005 with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), **Sch. 1 para. 7(2)** (with Sch. 2)
- F12** Words in s. 9(5) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 4(3), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F13** S. 9(6) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 4(4), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

**Modifications etc. (not altering text)**

- C1** S. 9 restricted (24.3.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), **ss. 881, 883(3)** (b) (with Sch. 2)

**10 Time for payment of tax.**

<sup>F14</sup> .....

**Textual Amendments**

- F14** S. 10 repealed (with effect in accordance with s. 199(2) of the amending Act) by Finance Act 1994 (c. 9), s. 258, **Sch. 26 Part 5(23)**, Note 4; S.I. 1998/3173, **art. 2**

**11 Companies not resident in United Kingdom.**

- [<sup>F15</sup>(1) <sup>F16</sup> .....
- (2) <sup>F16</sup> .....
- (2A) <sup>F16</sup> .....]
- (3) <sup>F17</sup> .....
- (4) <sup>F17</sup> .....

**Textual Amendments**

- F15** S. 11(1)-(2A) substituted for s. 11(1)(2) (with effect in accordance with s. 149(6) of the amending Act) by Finance Act 2003 (c. 14), **s. 149(1)**
- F16** S. 11(1)-(2A) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 5, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

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**F17** S. 11(3)(4) repealed (1.4.2010 with effect in accordance with s. 1184(1) of the repealing Act) by Corporation Tax Act 2010 (c. 4), Sch. 1 para. 4, **Sch. 3 Pt. 1** (with Sch. 2)

**[<sup>F18</sup> 11AA Determination of profits attributable to permanent establishment**

<sup>F19</sup> .....

**Textual Amendments**

**F18** S. 11AA inserted (with effect in accordance with s. 149(6) of the amending Act) by Finance Act 2003 (c. 14), s. 149(2)

**F19** S. 11AA repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 6, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

**12 Basis of, and periods for, assessment.**

- (1) <sup>F20</sup> .....
- (2) <sup>F20</sup> .....
- (3) <sup>F20</sup> .....
- (4) <sup>F20</sup> .....
- (5) <sup>F20</sup> .....
- [<sup>F21</sup>(5A) <sup>F20</sup> .....
- [<sup>F22</sup>(5B) <sup>F23</sup> .....
- (6) <sup>F20</sup> .....
- (7) <sup>F20</sup> .....
- [<sup>F24</sup>(7ZA) <sup>F20</sup> .....
- [<sup>F25</sup>(7A) <sup>F26</sup> .....
- [<sup>F27</sup>(7B) <sup>F28</sup> ..
- <sup>F28</sup> .....
- <sup>F29</sup> .....
- [<sup>F30</sup>[<sup>F31</sup>(7C) <sup>F26</sup> .....

- (8) Where it appears to the inspector that the beginning or end of any accounting period of a company is uncertain, he may make an assessment on the company for such period, not exceeding 12 months, as appears to him appropriate, and that period shall be treated for all purposes as an accounting period of the company unless either—
  - (a) the inspector on further facts coming to his knowledge sees fit to revise it; or
  - (b) on an appeal against the assessment in respect of some other matter the company shows the true accounting periods;

and if on an appeal against an assessment made by virtue of this subsection the company shows the true accounting periods, the assessment appealed against shall, as regards the period to which it relates, have effect as an assessment or assessments for

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the true accounting periods, and there may be made such other assessments for any such periods or any of them as might have been made at the time when the assessment appealed against was made.

[<sup>F32</sup>(9) <sup>F33</sup>.....]

#### Textual Amendments

- F20** S. 12(1)-(7ZA) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 7, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F21** S. 12(5A) inserted (with effect as mentioned in Sch. 4 para. 11(4) of the amending Act) by Finance Act 1996 (c. 8), s. 79, **Sch. 24 para. 11(3)**
- F22** S. 12(5B) inserted (with effect in accordance with Sch. 41 para. 5(1) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 41 para. 1(3)**
- F23** S. 12(1)-(7ZA) repealed (with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 7, **Sch. 3 Pt. 1** (with Sch. 2 Pt. 12)
- F24** S. 12(7ZA) inserted (with effect in accordance with Sch. 41 para. 5(1) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 41 para. 1(5)**
- F25** S. 12(7A) inserted by Finance Act 1990 (c. 29), s.48, **Sch.9 para.3** (in relation to transfers of business on or after 1.11.1990)
- F26** S. 12(7A)(7C) omitted (19.2.2008 with effect in accordance with art. 1(2) of the repealing S.I.) by virtue of The Insurance Business Transfer Schemes (Amendment of the Corporation Tax Acts) Order 2008 (S.I. 2008/381), **arts. 1(1), 3**
- F27** S. 12(7B) inserted (with effect in accordance with art. 14(4) of the amending S.I.) by The Financial Services and Markets Act 2000 (Consequential Amendments) (Taxes) Order 2001 (S.I. 2001/3629), **art. 14(3)**
- F28** S. 12(7B): words and definition of "contracts of long-term insurance" repealed (with effect in accordance with Sch. 10 para. 17(2) of the repealing Act) by Finance Act 2007 (c. 11), Sch. 10 para. 14(2)(a), **Sch. 27 Pt. 2(10)**, Note
- F29** S. 12(7B): definition of "insurance business transfer scheme" repealed (with effect in accordance with Sch. 9 para. 17(1) of the repealing Act) by Finance Act 2007 (c. 11), Sch. 9 para. 1(2)(a), **Sch. 27 Pt. 2(9)**, Note
- F30** S. 12(7C) inserted (with effect in accordance with Sch. 9 para. 20(7) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 9 para. 20(3)**
- F31** S. 12(7C) substituted (with effect in accordance with Sch. 9 para. 17(1) of the amending Act) by Finance Act 2007 (c. 11), **Sch. 9 para. 3(2)**
- F32** S. 12(9) inserted (with effect in accordance with Sch. 10 para. 2 of the amending Act) by Finance Act 2006 (c. 25), **Sch. 10 para. 43(2)**
- F33** S. 12(9) repealed (1.4.2009 with effect in accordance with s. 1329(1) of the repealing Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 7, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

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

- Act Tax Acts: power to modify conferred by [2004 c. 25 s. 18](#)
- Act Taxes Acts modified by 1970 c. 9, Sch. A1 para. 10(7) (as inserted) by [2017 c. 32 s. 60\(3\)](#)
- Act Taxes Acts modified by 1970 c. 9, s. 8(7) (as inserted) by [2017 c. 32 Sch. 14 para. 3\(15\)](#)
- Act Taxes Acts modified by 1970 c. 9, s. 8A(7) (as inserted) by [2017 c. 32 Sch. 14 para. 4\(12\)](#)
- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2010/875 was revoked (27.8.2010) by SI 2010/1906, reg. 2 without having come into force)

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

- s. 109A(4B) inserted by [2005 c. 7 Sch. 4 para. 6\(3\)](#) (This amendment not applied to legislation.gov.uk. The amending provision (2005 c. 7, Sch. 4 para. 6) repealed retrospectively by 2005 c. 22, Sch. 6 para. 4(1)(6))
- Sch. 19AB para. 5(5)(a)(b) words substituted by [S.I. 2001/3629 art. 52\(2\)\(n\)](#) (This amendment not applied to legislation.gov.uk. The words to be substituted do not occur in Sch. 19AB para. 5)