



# Finance Act 1994

## 1994 CHAPTER 9

### PART VIII

#### MISCELLANEOUS AND GENERAL

#### *Companies treated as non-resident*

#### **<sup>F1</sup>249 Certain companies treated as non-resident.**

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##### **Textual Amendments**

**F1** S. 249 repealed (1.4.2009) (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 397, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

#### **<sup>F2</sup>250 Companies treated as non-resident: supplementary.**

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##### **Textual Amendments**

**F2** S. 250 repealed (1.4.2009) (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 397, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

#### **251 Companies treated as non-resident: repeals.**

- (1) For the purposes of this section—
  - (a) the relevant date is 30th November 1993;
  - (b) the <sup>M1</sup>1992 Act is the Taxation of Chargeable Gains Act 1992.

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*Changes to legislation: Finance Act 1994, Cross Heading: Companies treated as non-resident is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (2) In section 468F of the Taxes Act 1988 the following shall be omitted—
  - (a) in subsection (1)(c) the words “and not a dual resident”;
  - (b) in subsection (8) the definition of “dual resident”;and this subsection shall have effect where the date of payment is the relevant date or later.

<sup>F3</sup>(3) . . . . .

- (4) Sections 749(4A) and 751(2)(bb) of the Taxes Act 1988 shall be omitted; and this subsection shall be deemed to have come into force on the relevant date.

- (5) Section 139(3) of the 1992 Act shall be omitted; and this subsection shall have effect in relation to acquisitions on or after the relevant date.

- (6) Section 160 of the 1992 Act shall be omitted; and this subsection shall have effect where the disposal of the old assets (or of the interest in them) is made on or after the relevant date or the acquisition of the new assets is made (or the acquisition of the interest in them is made or the unconditional contract for their acquisition is entered into) on or after the relevant date.

- (7) The following provisions shall be omitted—
  - (a) in section 166(2) of the 1992 Act the words “or a company” and the words “or company”;
  - (b) in section 171(2) of that Act, paragraph (e) and the word “or” immediately preceding it;
  - (c) section 172(3)(a) of that Act;and this subsection shall have effect in relation to disposals on or after the relevant date.

- (8) In section 175(2) of the 1992 Act the words from “or a company which” to the end of paragraph (b) shall be omitted; and this subsection shall have effect where the disposal of the old assets (or of the interest in them) or the acquisition of the new assets (or of the interest in them) is made on or after the relevant date.

- (9) Section 186 of the 1992 Act shall be omitted together with the following in section 187—
  - (a) in subsection (1)(a) the words “or 186”;
  - (b) in subsection (6) the words “or, as the case may be, section 186(2),” and the words “or, as the case may be, section 186(1)”;and this subsection shall have effect where the company concerned becomes on or after the relevant date a company which falls to be regarded as mentioned in section 186(1) .

- (10) Section 188 of the 1992 Act shall be omitted; and this subsection shall be deemed to have come into force on the relevant date.

- (11) In section 211(3) of the 1992 Act the words “(and would not be a gain on which, under any double taxation relief arrangements, it would not be liable to tax)” shall be omitted; and this subsection shall have effect where the transfer is made on or after the relevant date.

<sup>F4</sup>(12) . . . . .

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#### Textual Amendments

- F3** S. 251(3) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))
- F4** S. 251(12) repealed (the repeal coming into force in accordance with the provisions of Pt. IV Ch. II (ss. 80-105) of the repealing Act) by [1996 c. 8](#), s. 205, [Sch. 41 Pt. V\(3\)](#), Note
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#### Commencement Information

- I1** S. 251 partly in force retrospectively (to 30.11.1993) as mentioned in this section.
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#### Marginal Citations

- M1** [1992 c. 12](#).

**Changes to legislation:**

Finance Act 1994, Cross Heading: Companies treated as non-resident is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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. 16A(2)(g) inserted by [2023 c. 30 Sch. 13 para. 28](#)
- s. 160(2)-(7) modified by 2010 c. 8 s. 464(6) (as inserted) by [2017 c. 32 Sch. 5 para. 1](#)
- Sch. 5 para. 2(1)(pa) inserted by [S.I. 2022/109 reg. 4](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)