



# Finance Act 1997

## 1997 CHAPTER 16

### PART V

#### INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

##### *Payments for wayleaves*

#### **60 Wayleaves for electricity cables, telephone lines, etc**

- (1) Section 120 of the Taxes Act 1988 (payments for wayleaves for electricity cables, telephone lines, etc.) shall be amended as follows.
- (2) In subsection (1) (payments charged under Schedule D subject to deduction of tax)—
  - (a) at the beginning there shall be inserted “Subject to subsection (1A) below,”; and
  - (b) the words from “and, subject to” onwards (which provide for the deduction of tax) shall be omitted.
- (3) After subsection (1) there shall be inserted the following subsection—

“(1A) If—

  - (a) the profits and gains arising to any person for any chargeable period include both rent in respect of any such easement as is mentioned in subsection (1) above and amounts which are charged to tax under Schedule A, and
  - (b) some or all of the land to which the easement relates is included in the land by reference to which the amounts charged under Schedule A arise,

then, for that period, that rent shall be charged to tax under Schedule A, instead of being charged under Schedule D.”
- (4) Subsections (2) to (4) and, in subsection (5), paragraph (c) and the word “and” immediately preceding it shall cease to have effect.

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*Status: This is the original version (as it was originally enacted).*

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(5) This section has effect in relation to payments made on or after 6th April 1997.