



Capital Allowances Act 2001

2001 CHAPTER 2

PART 12

SUPPLEMENTARY PROVISIONS

CHAPTER 4

PARTNERSHIPS, SUCCESSIONS AND TRANSFERS

560 Transfer of insurance company business

- (1) This section applies if—
- (a) assets are transferred as part of, or in connection with, the transfer of the whole or part of the business of an insurance company to another company,
 - (b) the transfer is—
 - (i) in accordance with [^{F1} an insurance business transfer scheme to transfer business which consists of the effecting or carrying out of contracts of long-term insurance, or]
 - (ii) a qualifying overseas transfer ^{F2}....
- (2) But this section does not apply in relation to any asset transferred to a non-resident company unless the asset will fall to be treated, immediately after the transfer, as an asset which is held for the purposes of the whole or a part of so much of any business carried on by the non-resident company as is carried on through a [^{F3}permanent establishment] in the United Kingdom.
- (3) This section also does not apply if section 561 applies ([^{F4}transfer or division of UK business]).
- (4) If this section applies—
- (a) any allowances and charges that would have been made to or on the transferor are to be made instead to or on the transferee, and

Changes to legislation: There are currently no known outstanding effects for the Capital Allowances Act 2001, Section 560. (See end of Document for details)

(b) the amount of any such allowance or charge is to be calculated as if everything done to or by the transferor had been done to or by the transferee, but no sale or transfer of assets made to the transferee by the transferor is to be treated as giving rise to any such allowance or charge.

(5) In this section—

- ^{F5}(a)
- ^{F6}(b)
- ^{F7}(c)
- ^{F8}(d) “non-resident company” means a company resident outside the United Kingdom.]
- ^{F9}(e) qualifying overseas transfer” means so much of a transfer of the whole or any part of the business of an overseas life insurance company carried on through a permanent establishment in the United Kingdom as takes place in accordance with an authorisation granted outside the United Kingdom for the purposes of [^{F10}Article 39 of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)] .]

Textual Amendments

- F1** Words in s. 560(1)(b)(i) substituted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) \(Taxes\) Order 2001 \(S.I. 2001/3629\)](#), **art. 108(2)(4)**
- F2** Words in s. 560(1)(b)(ii) omitted (17.7.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), **Sch. 16 para. 105(2)**
- F3** Words in s. 560(2) substituted (with effect in accordance with s. 153(4) of the amending Act) by [Finance Act 2003 \(c. 14\)](#), **s. 153(1)(d)**
- F4** Words in s. 560(3) substituted (31.12.2020) by [The Taxes \(Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/689\)](#), regs. 1, **10(4)** (with regs. 39-41); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** S. 560(5)(a) repealed (with effect in accordance with Sch. 10 para. 17(2) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), Sch. 10 para. 14(8)(c), **Sch. 27 Pt. 2(10)**
- F6** S. 560(5)(b) repealed (with effect in accordance with Sch. 9 para. 17(1) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), Sch. 9 para. 1(2)(f), **Sch. 27 Pt. 2(9)**
- F7** S. 560(5)(c) repealed (with effect in accordance with Sch. 10 para. 17(2) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), Sch. 10 para. 14(8)(c), **Sch. 27 Pt. 2(10)**
- F8** S. 560(5)(b)-(d) substituted (1.12.2001) for s. 560(5)(b) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) \(Taxes\) Order 2001 \(S.I. 2001/3629\)](#), **art. 108(3)(b)(4)**
- F9** S. 560(5)(e) inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), **Sch. 16 para. 105(3)**
- F10** Words in s. 560(5)(e) substituted (1.1.2016) by [The Solvency 2 Regulations 2015 \(S.I. 2015/575\)](#), reg. 1(2), **Sch. 1 para. 22**

Modifications etc. (not altering text)

- C1** S. 560 modified (1.1.2002) by [S.I. 1997/473](#), **reg. 53D** (as inserted by [S.I. 2001/3975](#), **reg. 8**)
- C2** S. 560 amendment to earlier affecting provision [SI 1997/473 \(8.4.2004\)](#) by [The Friendly Societies \(Modification of the Corporation Tax Acts\) \(Amendment\) Regulations 2004 \(S.I. 2004/822\)](#), regs. 1, **40**

Changes to legislation:

There are currently no known outstanding effects for the Capital Allowances Act 2001, Section 560 .