
Changes to legislation: Energy Act 2004, Part 3 is up to date with all changes known to be in force on or before 26 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

SCHEDULES

SCHEDULE 9

TAXATION PROVISIONS RELATING TO NUCLEAR TRANSFER SCHEMES

PART 3

TRANSFERS RELATING TO RELEVANT SITE LICENSEES

- 28 (1) This paragraph applies where, in consequence of a nuclear transfer scheme, a subsidiary of the NDA becomes a relevant site licensee.
- (2) For the purposes of the application of the enactments mentioned in sub-paragraph (3) to the assets of the company which has become a relevant site licensee, that company shall be treated as continuing, for so long as it is a relevant site licensee, to be a member of the group of companies of which it was a member immediately before the scheme took effect.
- (3) Those enactments are—
- (a) the 1992 Act;
 - (b) Schedule 29 to the Finance Act 2002 (c. 23);
 - (c) paragraphs 5, 14, 19 and 26 of this Schedule.
- (4) The reference in sub-paragraph (2) to the group of companies of which a company was a member is to be construed—
- (a) in relation to the 1992 Act in accordance with the provisions of section 170 of that Act; and
 - (b) in relation to Schedule 29 to the Finance Act 2002, in accordance with Part 8 of that Schedule.

Commencement Information

II Sch. 9 para. 28 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

- 29 (1) This paragraph applies where—
- (a) as a consequence of a transfer in accordance with a nuclear transfer scheme of securities of a subsidiary of the NDA, that subsidiary becomes a relevant site licensee;
 - (b) as a consequence of a transfer to the NDA or to a subsidiary of the NDA in accordance with such a scheme of securities of a company, that company ceases to be a relevant site licensee; or
 - (c) there is a transfer in accordance with such a scheme of securities of a company that is a relevant site licensee from one person to another person for purposes connected with securing that the condition in section 27(5)(c) continues to be satisfied in relation to the company.

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- (2) For the purposes of the 1992 Act, the securities shall be treated as disposed of to the transferee for a consideration of such amount as would secure that, on the disposal, neither a gain nor a loss accrues to the transferor.

Commencement Information

I2 Sch. 9 para. 29 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

- 30 In this Part of this Schedule “relevant site licensee” has the same meaning as in subsection (4) of section 27 (see subsection (5)).

Commencement Information

I3 Sch. 9 para. 30 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

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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. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)