



Corporation Tax Act 2010

2010 CHAPTER 4

PART 5

GROUP RELIEF

CHAPTER 4

CLAIMS FOR GROUP RELIEF

Surrenderable amounts under Chapter 2

130 Group relief claims on amounts surrenderable under Chapter 2

- (1) This section applies in relation to the surrendering company's surrenderable amounts for the surrender period under Chapter 2.
- (2) A company (“the claimant company”) may make a claim for group relief for an accounting period (“the claim period”) in relation to those amounts (in whole or in part) if the following requirements are met.

Requirement 1

The surrendering company consents to the claim.

Requirement 2

There is a period (“the overlapping period”) that is common to the claim period and the surrender period.

Requirement 3

At a time during the overlapping period—

- (a) the group condition is met (see section 131),
- (b) consortium condition 1 is met (see section 132),
- (c) consortium condition 2 is met (see section [F1section 133(1)]^{F2}, (3) and (4)), or

Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Cross Heading: Surrenderable amounts under Chapter 2. (See end of Document for details)

(d) consortium condition 3 is met (see [F³section 133(2) to [F⁴(4)]]).

- (3) More than one company may make a claim for group relief in relation to any surrenderable amounts (but the giving of group relief in relation to any claim is subject to the provisions of this Chapter).

Textual Amendments

- F1** Words in s. 130(2)(c) substituted (with effect in accordance with Sch. 6 para. 10 of the amending Act) by [Finance \(No. 3\) Act 2010 \(c. 33\)](#), **Sch. 6 para. 3(a)**
- F2** Words in s. 130(2)(c) substituted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), **s. 35(2)(b)(i)**
- F3** Words in s. 130(2)(d) substituted (with effect in accordance with Sch. 6 para. 10 of the amending Act) by [Finance \(No. 3\) Act 2010 \(c. 33\)](#), **Sch. 6 para. 3(b)**
- F4** Word in s. 130(2)(d) substituted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), **s. 35(2)(b)(ii)**

Modifications etc. (not altering text)

- C1** Pt. 5 modified by 2009 c. 4, s. 1218ZDB(2) (as inserted (for specified purposes and with effect in accordance with Sch. 6 paras. 20, 21(1)(a) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 6 para. 1** (with [Sch. 6 para. 21\(3\)](#)))
- C2** S. 130(2) applied by 1998 c. 36, Sch. 18 para. 70(1) (as substituted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 114(2)**)

131 The group condition

- (1) The group condition is met if the surrendering company and the claimant company—
- (a) are members of the same group of companies (see section 152), and
 - (b) are both UK related.
- (2) For the meaning of “UK related” in subsection (1)(b) and in sections 132 and 133, see section 134.

132 Consortium condition 1

- (1) Consortium condition 1 is met if subsection (2) or (3) applies.
- (2) This subsection applies if—
- (a) the surrendering company is a trading company or a holding company,
 - (b) the surrendering company is owned by a consortium,
 - (c) the claimant company is a member of the consortium, and
 - (d) both companies are UK related.
- (3) This subsection applies if—
- (a) the claimant company is a trading company or a holding company,
 - (b) the claimant company is owned by a consortium,
 - (c) the surrendering company is a member of the consortium, and
 - (d) both companies are UK related.

Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Cross Heading: Surrenderable amounts under Chapter 2. (See end of Document for details)

- (4) But consortium condition 1 is not met if a profit on a sale within subsection (5) by the company that is the member of the consortium would be a trading receipt of the member.
- (5) A sale is within this subsection if it is a sale of—
 - (a) the share capital the member owns in the company owned by the consortium, or
 - (b) if that company is owned by the consortium as a result of section 153(3) (consortiums involving holding companies), the share capital the member owns in the holding company in question.

133 Consortium conditions 2 and 3

- (1) Consortium condition 2 is met if—
 - (a) the surrendering company is a trading company or a holding company,
 - (b) the surrendering company is owned by a consortium,
 - (c) the claimant company is not a member of the consortium,
 - (d) the claimant company is a member of the same group of companies as a third company (“the link company”),
 - (e) the link company is a member of the consortium, ^{F5} ... [^{F6}and]
 - ^{F7}(f) the surrendering company and the claimant company are both UK related, ^{F8} ...
 - ^{F8}(g)]
- (2) Consortium condition 3 is met if—
 - (a) the claimant company is a trading company or a holding company,
 - (b) the claimant company is owned by a consortium,
 - (c) the surrendering company is not a member of the consortium,
 - (d) the surrendering company is a member of the same group of companies as a third company (“the link company”),
 - (e) the link company is a member of the consortium, ^{F9} ... [^{F10}and]
 - ^{F11}(f) the surrendering company and the claimant company are both UK related, ^{F12} ...
 - ^{F12}(g)]
- (3) But neither consortium condition 2 nor consortium condition 3 is met if a profit on a sale within subsection (4) by the link company would be a trading receipt of that company.
- (4) A sale is within this subsection if it is a sale of—
 - (a) the share capital the link company owns in the company (“the consortium company”) owned by the consortium as mentioned in subsection (1)(b) or (2)(b), or
 - (b) if the consortium company is owned by the consortium as a result of section 153(3) (consortiums involving holding companies), the share capital the link company owns in the holding company in question.

- ^{F13}(5)
- ^{F13}(6)
- ^{F13}(7)
- ^{F13}(8)

Changes to legislation: There are currently no known outstanding effects for the Corporation Tax Act 2010, Cross Heading: Surrenderable amounts under Chapter 2. (See end of Document for details)

Textual Amendments

- F5** Word in s. 133(1)(e) omitted (with effect in accordance with Sch. 6 para. 10 of the amending Act) by virtue of [Finance \(No. 3\) Act 2010 \(c. 33\)](#), [Sch. 6 para. 4\(2\)\(a\)](#)
- F6** Word in s. 133(1)(e) inserted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [s. 35\(1\)\(a\)\(i\)](#)
- F7** S. 133(1)(f)(g) substituted for s. 133(1)(f) (with effect in accordance with Sch. 6 para. 10 of the amending Act) by [Finance \(No. 3\) Act 2010 \(c. 33\)](#), [Sch. 6 para. 4\(2\)\(b\)](#)
- F8** S. 133(1)(g) and preceding word omitted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [s. 35\(1\)\(a\)\(ii\)](#)
- F9** Word in s. 133(2)(e) omitted (with effect in accordance with Sch. 6 para. 10 of the amending Act) by virtue of [Finance \(No. 3\) Act 2010 \(c. 33\)](#), [Sch. 6 para. 4\(3\)\(a\)](#)
- F10** Word in s. 133(2)(e) inserted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [s. 35\(1\)\(b\)\(i\)](#)
- F11** S. 133(2)(f)(g) substituted for s. 133(2)(f) (with effect in accordance with Sch. 6 para. 10 of the amending Act) by [Finance \(No. 3\) Act 2010 \(c. 33\)](#), [Sch. 6 para. 4\(3\)\(b\)](#)
- F12** S. 133(2)(g) and preceding word omitted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by virtue of [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [s. 35\(1\)\(b\)\(ii\)](#)
- F13** S. 133(5)-(8) omitted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by virtue of [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [s. 35\(1\)\(c\)](#)

134 Meaning of “UK related” company

For the purposes of sections 131 to 133 a company is UK related if—

- (a) it is a UK resident company, or
- (b) it is a non-UK resident company [^{F14}within the charge to corporation tax].

Textual Amendments

- F14** Words in s. 134(b) substituted (with effect in accordance with s. 24(3) of the amending Act) by [Finance Act 2019 \(c. 1\)](#), [s. 24\(1\)](#)

^{F15}134A Companies “established in the EEA”

.....

Textual Amendments

- F15** S. 134A omitted (18.11.2015) (with effect in accordance with s. 35(3) of the amending Act) by virtue of [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [s. 35\(2\)\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Corporation Tax Act 2010, Cross
Heading: Surrenderable amounts under Chapter 2.