

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading:
Transfer of securities of subsidiaries of original holding company to Crown etc. (See end of Document for details)

SCHEDULES

SCHEDULE 2

TAXATION PROVISIONS RELATING TO RE-STRUCTURING ETC

Transfer of securities of subsidiaries of original holding company to Crown etc

- 1 (1) This paragraph applies where—
- (a) there is a disposal of securities of a subsidiary of the original holding company to the Secretary of State or the Treasury (or a nominee of either of them) or to a company wholly owned by the Crown, and
 - (b) immediately before the disposal, the subsidiary was wholly owned by the original holding company.
- (2) For the purposes of the Taxation of Chargeable Gains Act 1992 the disposal is to be treated in relation to—
- (a) the person making the disposal, and
 - (b) the person to whom the disposal is made,
- as made for a consideration such that no gain or loss accrues to the person making the disposal.
- (3) The degrouping provisions are not to apply by reason of the disposal or any agreement to make the disposal (if they otherwise would).
- (4) In this Schedule a “degrouping provision” means—
- (a) section 179 of the Taxation of Chargeable Gains Act 1992 (company ceasing to be member of group), or
 - (b) paragraph 3 of Schedule 7 to the Finance Act 2003 (withdrawal of SDLT group relief).
- (5) Stamp duty is not chargeable on the instrument effecting the disposal.
- (6) This paragraph applies whether or not the disposal is made by or under a transfer scheme under section 8.

Commencement Information

II Sch. 2 para. 1 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 2 (1) This paragraph applies where—
- (a) paragraph 1(3) has applied at any time in relation to a disposal or an agreement to make a disposal,
 - (b) there is a subsequent disposal of securities of the subsidiary in relation to which paragraph 1(3) does not apply, and
 - (c) immediately before the subsequent disposal or the making of an agreement to make it, the subsidiary was a member of a new group.

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- (2) For the purposes of the application of a degrouping provision in the case of that disposal or agreement—
- (a) the company from which the subsidiary acquired relevant assets or chargeable interests is to be treated as if it had been a member of the new group at the time the relevant assets or chargeable interests were acquired, and
 - (b) that company is to be treated as if it were a member of the new group immediately before the disposal or the making of the agreement mentioned in sub-paragraph (1)(c).
- (3) “Relevant assets or chargeable interests” means assets or chargeable interests in relation to which, but for paragraph 1(3), the degrouping provision in question would have applied by reason of the disposal or agreement mentioned in sub-paragraph (1)(a).
- (4) In this paragraph—
- (a) references to a group have the same meaning as in the degrouping provision in question, and
 - (b) references to a new group are to a group other than a group of which the subsidiary was a member immediately before the making of a disposal or an agreement in relation to which paragraph 1(3) applied.

Commencement Information

I2 Sch. 2 para. 2 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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