

SCHEDULES

SCHEDULE 13

EMPLOYER ASSET-BACKED PENSION CONTRIBUTIONS ETC

PART 5

OTHER PROVISION RELATING TO FINANCE ARRANGEMENTS

Chapter 5B of Part 13 of ITA 2007

- 32 Chapter 5B of Part 13 of ITA 2007 (finance arrangements) is amended as follows.
- 33 In section 809BZA (type 1 finance arrangements: definition) after subsection (2) insert—
- “(2A) For the purposes of subsection (2)(c) it does not matter if an entitlement of the lender or a person connected with the lender is subject to any condition.”
- 34 (1) Section 809BZF (type 2 finance arrangements: definition) is amended as follows.
- (2) In subsection (2)(b) after “transferor” insert “or a person connected with the transferor”.
- (3) After subsection (2) insert—
- “(2A) For the purposes of subsection (2)(e) it does not matter if any determination of the share in the partnership’s profits of the person involved in the relevant change as mentioned is subject to any condition.”
- 35 In section 809BZH (type 2 finance arrangements: certain tax consequences not to have effect) after “transferor” (wherever occurring) insert “or the person connected with the transferor”.
- 36 In section 809BZJ (type 3 finance arrangements: definition) after subsection (2) insert—
- “(2A) For the purposes of subsection (2)(d) it does not matter if any determination of the share in the partnership’s profits of the person involved in the relevant change as mentioned is subject to any condition.”

Chapter 2 of Part 16 of CTA 2010

- 37 Chapter 2 of Part 16 of CTA 2010 (finance arrangements) is amended as follows.
- 38 In section 758 (type 1 finance arrangements: definition) after subsection (2) insert—
- “(2A) For the purposes of subsection (2)(c) it does not matter if an entitlement of the lender or a person connected with the lender is subject to any condition.”
- 39 (1) Section 763 (type 2 finance arrangements: definition) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (2)(b) after “transferor” insert “or a person connected with the transferor”.
- (3) After subsection (2) insert—
- “(2A) For the purposes of subsection (2)(e) it does not matter if any determination of the share in the partnership’s profits of the person involved in the relevant change as mentioned is subject to any condition.”
- 40 In section 765 (type 2 finance arrangements: certain tax consequences not to have effect) after “transferor” (wherever occurring) insert “or the person connected with the transferor”.
- 41 In section 767 (type 3 finance arrangements: definition) after subsection (2) insert—
- “(2A) For the purposes of subsection (2)(d) it does not matter if any determination of the share in the partnership’s profits of the person involved in the relevant change as mentioned is subject to any condition.”

Commencement

- 42 (1) Subject to what follows, the amendments made by paragraphs 32 to 41 above have effect in relation to arrangements whenever made.
- (2) In relation to arrangements made before 21 March 2012, an amount is by virtue of the amendments—
- (a) to be charged to tax, or
- (b) to be brought into account in calculating any income for tax purposes or deducted from any income for tax purposes,
- only if the amount arises on or after 21 March 2012.
- (3) The amendments have no effect for the purposes of section 196J(4) of FA 2004 inserted by paragraph 1 above.
- (4) The amendments have no effect for the purposes of section 196C(2)(b), 196E(2)(b) or 196G(2)(b) of FA 2004 inserted by paragraph 15 above if the asset-backed arrangement is made before 21 March 2012.