

## SCHEDULES

### SCHEDULE 15

Section 51

#### RELIEF IN RESPECT OF GIFT AID AND OTHER INCOME

##### *Claims by charitable trusts etc*

- 1 (1) In Part 10 of ITA 2007 (special rules about charitable trusts etc), section 538A (claims in relation to gift aid relief) is amended as follows.
  - (2) Before subsection (1) insert—

“(A1) This section applies to claims for—

    - (a) repayment of income tax treated as having been paid by virtue of section 520(4) (gift aid relief: income tax treated as paid by trustees of charitable trust), or
    - (b) repayment of income tax deducted at source from income to which any of the following applies—
      - (i) section 532 (exemption for savings and investment income),
      - (ii) section 533 (exemption for public revenue dividends),
      - (iii) section 536 (exemption for certain miscellaneous income), or
      - (iv) section 537 (exemption for income from estates in administration).”
  - (3) In subsection (1)—
    - (a) before “applies” insert “also”, and
    - (b) for the words after “tax” substitute “by virtue of—
      - (a) section 521(4) (gifts entitling donor to gift aid relief: charitable trusts), or
      - (b) any of the provisions mentioned in subsection (A1)(b).”
  - (4) Accordingly, in the heading, after “**relief**” insert “**etc**”.

##### *Claims by charitable companies etc*

- 2 Part 11 of CTA 2010 (charitable companies etc) is amended as follows.
  - 3 (1) In Chapter 2 (gifts and other payments), section 477A (claims in relation to gift aid relief) is amended as follows.
    - (2) Before subsection (1) insert—

“(A1) This section applies to claims for repayment of income tax treated as having been paid by virtue of—

      - (a) section 471 (gifts qualifying for gift aid relief: charitable companies), or

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(b) section 475 (gifts qualifying for gift aid relief: eligible bodies).”

(3) In subsection (1), before “applies” insert “also”.

4 In Chapter 3 (other exemptions), after section 491 insert—

*“Claims*

**491A Claims in relation to certain reliefs**

(1) Subsections (2) to (5) of section 477A (claims in relation to gift aid relief) apply to—

- (a) claims for amounts to be exempt from tax by virtue of a provision listed in subsection (2), and
- (b) claims for repayment of income tax deducted at source from income which is exempt from tax by virtue of such a provision,

as they apply to claims to which that section applies.

(2) The provisions are—

- (a) section 486 (investment income and non-trading profits from loan relationships),
- (b) section 487 (public revenue dividends),
- (c) section 488 (certain miscellaneous income), and
- (d) section 489 (income from estates in administration).”

*Community amateur sports clubs: gift aid and other income*

5 Chapter 9 of Part 13 of CTA 2010 (special types of company etc: community amateur sports clubs) is amended as follows.

6 After section 661C insert—

*“Gifts qualifying for gift aid relief*

**661D Tax treatment of gifts qualifying for gift aid relief**

(1) This section applies if a gift is made to a registered club by an individual and the gift is a qualifying donation for the purposes of Chapter 2 of Part 8 of ITA 2007 (gift aid).

(2) The club is treated as receiving, under deduction of income tax at the basic rate for the tax year in which the gift is made, a gift of an amount equal to the grossed up amount of the gift.

(3) The income tax treated as deducted is treated as income tax paid by the club.

(4) The grossed up amount of the gift is treated as an amount in respect of which the club is chargeable to corporation tax, under the charge to corporation tax on income.

But this is subject to section 664 (exemption for interest and gift aid income).

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- (5) References in this section to the grossed up amount of the gift are to the amount of the gift grossed up by reference to the basic rate for the tax year in which the gift is made.”

7 After section 665 insert—

*“Claims*

**665A Claims in relation to interest and gift aid income**

- (1) This section applies to—
- (a) claims for repayment of income tax treated as having been paid by virtue of section 661D (tax treatment of gifts qualifying for gift aid relief),
  - (b) claims for amounts to be exempt from tax by virtue of section 664 (exemption for interest and gift aid income), and
  - (c) claims for repayment of income tax deducted at source from interest income (within the meaning of that section) which is exempt from tax by virtue of that section.
- (2) A claim to which this section applies may be made—
- (a) to an officer of Revenue and Customs, or
  - (b) by being included in the claimant’s company tax return.
- (3) In this section—
- “free-standing claim” means a claim made as mentioned in subsection (2)(a), and
  - “tax return claim” means a claim made as mentioned in subsection (2)(b).
- (4) The Commissioners for Her Majesty’s Revenue and Customs may by regulations make provision—
- (a) limiting the number of free-standing claims that may be made by a person in a tax year, or
  - (b) requiring a claim for an amount below an amount specified in the regulations to be made as a tax return claim.
- (5) The regulations may make different provision for different cases or purposes.”

8 In consequence of the provision made by paragraph 6, in section 413 of ITA 2007 (overview of gift aid relief), after subsection (5) insert—

- “(6) For related reliefs for community amateur sports clubs see Chapter 9 of Part 13 of CTA 2010.”

*Treatment of income tax deducted or repaid*

9 In section 59B of TMA 1970 (payment of income tax and capital gains tax), in subsection (7), at the end insert—

- “But such a reference does not include income tax repaid on a claim for repayment of income tax which—

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- (a) is treated as having been paid by virtue of section 520(4) of ITA 2007 (gift aid relief: income tax treated as paid by trustees of charitable trust), or
  - (b) has been deducted at source from income to which section 532, 533, 536 or 537 of that Act (certain sources of income exempt from income tax) applies.”
- 10 (1) Section 967 of CTA 2010 (set-off of income tax deductions against corporation tax: payments received by UK resident companies) is amended as follows.
- (2) After subsection (4) insert—
- “(5) The reference in subsection (1) to a payment received by a company does not include a reference to a payment which is exempt from tax by virtue of any of the following—
- section 472 (gifts qualifying for gift aid relief: charitable companies);
  - section 475 (gifts qualifying for gift aid relief: eligible bodies);
  - section 664 (exemption for interest and gift aid income: community amateur sports clubs).”
- (3) In subsection (5) (as inserted by sub-paragraph (2)), after the entry for section 475 insert—
- “section 486 (investment income and non-trading profits from loan relationships);
  - section 487 (public revenue dividends);
  - section 488 (certain miscellaneous income);
  - section 489 (income from estates in administration);”.

*Administration of claims under ITA 2007*

- 11 (1) Section 42 of TMA 1970 (procedure for making claims etc) is amended as follows.
- (2) In subsection (2), for “and (3ZA)” substitute “to (3ZB)”.
- (3) In subsection (3ZA), for the words from “by virtue of” to the end substitute “by virtue of—
- (a) section 521(4) of ITA 2007 (gifts entitling donor to gift aid relief: charitable trusts),
  - (b) section 532 of that Act (exemption for savings and investment income),
  - (c) section 533 of that Act (exemption for public revenue dividends),
  - (d) section 536 of that Act (exemption for certain miscellaneous income), or
  - (e) section 537 of that Act (exemption for income from estates in administration).”
- (4) After subsection (3ZA) insert—
- “(3ZB) Subsection (2) also does not apply in relation to any claim for repayment of an amount of income tax which—
- (a) is treated as having been paid by virtue of section 520(4) of ITA 2007 (gift aid relief: income tax treated as paid by trustees of charitable trust), or

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- (b) has been deducted at source from income to which any of the provisions mentioned in paragraphs (b) to (e) of subsection (3ZA) applies.”

12 In consequence of the amendments made by paragraph 11, in Schedule 8 to FA 2010 omit paragraph 4(2).

*Administration of claims under CTA 2010*

13 Schedule 18 to FA 1998 (company tax returns, assessments and related matters) is amended as follows.

14 (1) Paragraph 9 (claims that cannot be made without a return) is amended as follows.

(2) In sub-paragraph (2), at the end insert—

“This is subject to sub-paragraphs (2A) and (2B).”

(3) For sub-paragraph (2A) substitute—

“(2A) This paragraph does not apply to a claim by a company for repayment of income tax treated as having been paid by virtue of—

- (a) section 471 of the Corporation Tax Act 2010 (gifts qualifying for gift aid relief: charitable companies),
- (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies), or
- (c) section 661D of that Act (gifts qualifying for gift aid relief: community amateur sports clubs).

(2B) This paragraph also does not apply to a claim by a company for repayment of income tax deducted at source from income which is exempt from tax by virtue of—

- (a) section 486 of the Corporation Tax Act 2010 (investment income and non-trading profits from loan relationships),
- (b) section 487 of that Act (public revenue dividends),
- (c) section 488 of that Act (certain miscellaneous income),
- (d) section 489 of that Act (income from estates in administration), or
- (e) section 664 of that Act (interest and gift aid income: community amateur sports clubs).”

15 (1) Paragraph 57 (claims or elections affecting a single accounting period) is amended as follows.

(2) In sub-paragraph (1), at the end insert—

“This is subject to sub-paragraphs (1A) to (1C).”

(3) For sub-paragraph (1A) substitute—

“(1A) This paragraph does not apply to a claim by a company for repayment of income tax treated as having been paid by virtue of—

- (a) section 471 of the Corporation Tax Act 2010 (gifts qualifying for gift aid relief: charitable companies),
- (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies), or

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(c) section 661D of that Act (gifts qualifying for gift aid relief: community amateur sports clubs).

(1B) This paragraph also does not apply to a claim by a company for repayment of income tax deducted at source from income which is exempt from tax by virtue of—

- (a) section 486 of the Corporation Tax Act 2010 (investment income and non-trading profits from loan relationships),
- (b) section 487 of that Act (public revenue dividends),
- (c) section 488 of that Act (certain miscellaneous income),
- (d) section 489 of that Act (income from estates in administration), or
- (e) section 664 of that Act (interest and gift aid income: community amateur sports clubs).

(1C) This paragraph also does not apply to a claim by a company for an amount to be exempt from tax by virtue of—

- (a) section 472 of the Corporation Tax Act 2010 (gifts qualifying for gift aid relief: charitable companies),
- (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies), or
- (c) any of the provisions mentioned in sub-paragraph (1B).”

16 In consequence of the amendments made by paragraphs 14 and 15, in Schedule 8 to FA 2010 omit paragraph 6.

#### *Application*

17 (1) The amendments made by paragraphs 1 to 4 and 7 are treated as having come into force on 8 April 2010.

(2) The amendments made by paragraphs 6, 8 and 10 are treated as having effect—

- (a) for corporation tax purposes, for accounting periods ending on or after 1 April 2010, and
- (b) for income tax purposes, for the tax year 2010-11 and subsequent tax years.

(3) The amendment made by paragraph 9 has effect in relation to income tax repaid on gifts made or income received on or after 6 April 2006.

Accordingly, any reference in that amendment to a provision of ITA 2007 is to be read as including a reference to any corresponding earlier enactment which was rewritten in that provision.

(4) An amendment corresponding to that made by paragraph 10(2) is to be treated as having been made in ICTA and having had effect in relation to—

- (a) gifts made by individuals to charitable companies and eligible bodies on or after 6 April 2000 which were not covenanted payments,
- (b) covenanted payments falling to be made by individuals to charitable companies and eligible bodies on or after that date, and
- (c) payments made to community amateur sports clubs on or after 6 April 2002.

(5) An amendment corresponding to that made by paragraph 10(3) is to be treated as having been made in ICTA and having had effect in relation to payments of income made on or after 1 April 2006.

- (6) The amendments made by paragraphs 11 to 16 have effect in relation to claims whenever made.