

2007 No. 1305

TAX CREDITS

**The Tax Credits (Definition and Calculation of Income)
(Amendment) Regulations 2007**

<i>Made</i>	- - - -	<i>24th April 2007</i>
<i>Laid before Parliament</i>		<i>25th April 2007</i>
<i>Coming into force</i>	- -	<i>16th May 2007</i>

The Treasury make the following Regulations in exercise of the powers conferred by sections 7(8) and (9), 65(1), (3), (7), (9) and 67 of the Tax Credits Act 2002(a) :

Citation and commencement

1. These Regulations may be cited as the Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2007 and shall come into force on 16th May 2007.

Amendments of the Tax Credits (Definition and Calculation of Income) Regulations 2002

2. The Tax Credits (Definition and Calculation of Income) Regulations 2002(b) are amended as follows.

3. In regulation 2(2)(c) (interpretation) after the definition of “the Independent Living (1993) Fund” insert—

““ITA” means the Income Tax Act 2007(d);”.

4.—(1) Regulation 3(e) (calculation of income of claimant) is amended as follows.

(2) In paragraph (7)(b) for “section 25 of the Finance Act 1990 (donations to charity by individuals)” substitute “Chapter 2 of Part 8 of ITA (gift aid)”.

(3) In paragraph (8)(b) for “section 379A(2) and (3) of the Taxes Act” substitute “section 120 of ITA (deduction of property losses from general income)”.

5.—(1) Regulation 8(f) (student income) is amended as follows.

(2) In paragraph (d) for sub-paragraphs (i) and (ii) substitute—

“(i) under regulation 22 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(g) in relation to an academic year

(a) 2002 c. 21; section 67 is cited because of the meaning ascribed to “prescribed”.

(b) S.I. 2002/2006; relevant amending instruments are S.I. 2003/732, 2003/2815, 2004/762, 2005/2919, 2006/745 and 2006/766.

(c) Regulation 2 was amended by S.I. 2003/732, 203/2815, 2004/762, 2005/2919, 2006/766 and 2006/745.

(d) 2007 c3.

(e) Regulation 3 was amended by S.I. 2003/732, 2003/2815, 2006/745 and 2006/766.

(f) Regulation 8 was amended by S.I. 2003/2815 and 2006/766.

(g) S.I. 2006/1863 (W.196).

which begins on or after 1st September 2006 but before 1st September 2007;
or

- (ii) under regulation 26 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007^(a) in relation to an academic year which begins on or after 1st September 2007.”.

6.—(1) Regulation 11^(b) (property income) shall be amended as follows.

(2) In paragraph (3)—

- (a) for “of section 379A of the Taxes Act” substitute “contained in sections 118 (carry forward against subsequent property business profits) and 119 (how relief works) of ITA” ; and
(b) for the words “subsection (1) of that section” substitute “those sections”.

7.—(1) Regulation 12^(c) (foreign income) shall be amended as follows.

(2) In paragraph (4)—

- (a) for “of section 379A of the Taxes Act apply by virtue of section 379B of that Act” substitute “contained in sections 118 (carry forward against subsequent property business profits) and 119 (how relief works) of ITA apply”;
(b) for “section 379A(1)” substitute “those sections”.

8.—(1) Regulation 14^(d) (claimants treated for any purpose as having income by virtue of the Income Tax Acts) shall be amended as follows.

(2) In paragraph (2) omit the following sub-paragraphs—

- (a) (a)(xi) (section 730A);
(b) (a)(xii) (section 739);
(c) (a)(xiii) (section 740); and
(d) (a)(xv) (section 776).

(3) After sub-paragraph (2)(b) insert—

“(ba) the following provisions of ITA—

- (i) Chapter 5 of Part 11 (price differences under repos);
(ii) Chapter 2 of Part 13 (transfer of assets abroad); and
(iii) Chapter 3 of Part 13 (transactions in land).”.

Alan Campbell
Frank Roy

24th April 2007

Two of the Lords Commissioners of Her Majesty’s Treasury

(a) S.I. 2007/1045 (W.104).
(b) Regulation 11 was amended by S.I. 2003/2815 and 2006/766.
(c) Regulation 12 was amended by S.I. 2003/732, 2003/2815 and 2006/766.
(d) Regulations 14 was amended by S.I. 2006/766.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Tax Credits (Definition and Calculation of Income) Regulations 2002 (S.I. 2002/2006) (“the 2002 Regulations”) to take into account the coming into force of the Income Tax Act 2007 (c.3) and the introduction of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 (S.I. 2007/1045 (W.104)).

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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