

2010 No. 614

CORPORATION TAX

The Corporation Tax Act 2009 (Amendment) Order 2010

Made - - - - *4th March 2010*

Laid before the House of Commons *8th March 2010*

Coming into force - - *29th March 2010*

The Treasury make the following Order in exercise of the power conferred by section 1324 of the Corporation Tax Act 2009(a).

Citation, commencement and effect

1.—(1) This Order may be cited as the Corporation Tax Act 2009 (Amendment) Order 2010 and shall come into force on 29th March 2010.

(2) The amendments made by this Order shall be deemed to have come into force on 1st April 2009 and have effect for accounting periods ending on or after that date.

Amendment of the Taxation of Chargeable Gains Act 1992

2. In paragraph 34 of Schedule 7AC to the Taxation of Chargeable Gains Act 1992(b) (exemptions for disposals by companies with substantial shareholding) after sub-paragraph (1) insert—

“(2) Sub-paragraph (1) does not apply where the relevant earlier transaction is a disposal and reacquisition deemed to have occurred (in a period of account beginning before 1 January 2005) under section 92(7) of the Finance Act 1996 (convertible securities etc: creditor relationships).”

Amendment of the Corporation Tax Act 2009

3.—(1) The Corporation Tax Act 2009 is amended as follows.

(2) In section 400(1)(a) (index-linked gilt-edged securities: adjustments for changes in index) for “a gilt-edged security” substitute “an index-linked gilt-edged security”.

(3) In section 459(1)(a) (claim to set off deficit against profits of deficit period or earlier periods) for “the total profits of the company” substitute “any profits of the company (of whatever description)”.

(4) In section 566(2) (old accounting period derivative contracts: interpretation)—

(a) in the definition of “the deemed surrender” omit—

(a) 2009 c. 4.

(b) 1992 c. 12. Schedule 7AC was inserted by paragraph 1 of Schedule 8 to the Finance Act 2002 (c. 23). Paragraph 34 of Schedule 7AC was amended by paragraph 386 of Schedule 1 to the Corporation Tax Act 2009.

- (i) “immediately before 1 April 2008”, and
 - (ii) the words after “FA 2008”, and
 - (b) in the definition of “the first accounting period” for “that date” substitute “1 April 2008”.
- (5) In Schedule 2 (transitionals and savings) after paragraph 72 insert—

“Relevant non-lending relationships: discounts on disposals before 22 March 2006

72A.—(1) Section 480 (relevant non-lending relationships involving discounts) applies with the modifications set out in sub-paragraph (2) if—

- (a) the money debt mentioned in section 480(1) is some or all of the consideration payable for a disposal of property, and
- (b) the disposal is made before 22 March 2006.

(2) The modifications are—

- (a) in section 480(1)(e) for “conditions A and B are met” substitute “the property is neither—
 - (i) an asset representing a loan relationship, nor
 - (ii) a derivative contract”, and
- (b) omit subsections (2) to (4).”.

Steve McCabe

Dave Watts

4th March 2010

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order exercises power conferred by the Corporation Tax Act 2009 to undo changes. The Acts affected are the Taxation of Chargeable Gains Act 1992 (article 2) and the Corporation Tax Act 2009 itself (article 3).

Authority for the retrospective provision made by this Order is conferred by section 1324(4) of the Corporation Tax Act 2009.

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

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.00