
STATUTORY INSTRUMENTS

2019 No. 689

The Taxes (Amendments) (EU Exit) Regulations 2019

PART 5

Transitional and savings provisions

Transitional and savings provisions

39.—(1) This regulation applies where, immediately before the coming into force of these Regulations—

- (a) an enactment amended by these Regulations contained a reference to a member State, an EEA state or the European Economic Area, and
- (b) the effect of the enactment was such that the reference included Gibraltar.

(2) In the enactment, any reference to the United Kingdom (and any reference to states or an area including the United Kingdom) that is inserted by these Regulations includes Gibraltar.

40. A person is to be treated as a foreign institution for the purposes of section 697 of the Income Tax (Trading and Other Income) Act 2005 if—

- (a) immediately before these Regulations come into force the person falls within paragraph (a) or (b) of subsection (2) of that section, and
- (b) the person is for the time being a person to whom regulation 8, 11, 28 or 34 of the EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 applies.

41. Where a person qualifies for authorisation under Schedule 3 to the Financial Services and Markets Act 2000 by virtue of the Financial Services and Markets Act 2000 (Gibraltar) Order 2001(1), the amendments made by these Regulations to the following provisions do not apply to that person—

- (a) section 59(3)(b) of the Inheritance Tax Act 1984;
- (b) the definition of “general insurance company” in section 96(8) of the Finance Act 1997;
- (c) the definition of “general insurance company” in section 63(7) of the Finance Act 2003;
- (d) section 275(1) of the Finance Act 2004;
- (e) sections 697(2)(a) and 704(3) and (6) of the Income Tax (Trading and Other Income) Act 2005;
- (f) sections 837B(2) and (6), 853(5) and 991(2)(c) of the Income Tax Act 2007;
- (g) section 133I(1)(b) of the Corporation Tax Act 2009;
- (h) sections 269ZG(6)(b), 635(2) and (6) and 1120(2)(c) of the Corporation Tax Act 2010;
- (i) paragraph 13D(3) of Schedule 23 to the Finance Act 2011;

(1) S.I. 2001/3084, amended by S.I. 2005/1, S.I. 2006/1805, S.I. 2007/2931, S.I. 2007/3254, S.I. 2012/2017, S.I. 2013/472, S.I. 2013/3115, S.I. 2014/1292, S.I. 2015/910, S.I. 2018/546

- (j) section 65(2) and (3) of the Finance Act 2012;
- (k) the definition of “European institution” in regulation 2(1)(a) of the Individual Savings Account Regulations 1998.

42. The amendments made by regulation 4(2) to section 99 of the Finance Act 1986⁽²⁾ do not apply for the purposes of determining whether securities issued or raised before the time on which those amendments come into force are chargeable securities for the purpose of Part 4 of the Finance Act 1986.

43. The amendment made by regulation 7(3) to paragraph 2(4)(a) of Schedule 5 to the Finance Act 1997⁽³⁾ does not apply in relation to mistaken assumptions made about the operation, before the time that amendment comes into force, of any provision of EU legislation relating to any duty of excise, insurance premium tax or landfill tax or to any matter connected with those taxes.

44. The amendments made by regulation 15(8) to section 837B of the Income Tax Act 2007 do not apply in determining whether condition A in section 837B(2) is met by reference to a time before the amendments come into force.

45. The amendments made by regulation 16(2) to section 133I of the Corporation Tax Act 2009 do not apply in relation to times in the period beginning with 1 December 2001 and ending with the time those amendments come into force.

46. The amendments made by regulation 17(8) to section 635(2) of the Corporation Tax Act 2010 do not apply in determining whether condition A in section 635(2) is met by reference to a time before the amendments come into force.

Commencement Information

- 11** [Reg. 39](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- 12** [Reg. 40](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- 13** [Reg. 41](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- 14** [Reg. 42](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- 15** [Reg. 43](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- 16** [Reg. 44](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- 17** [Reg. 45](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)
- 18** [Reg. 46](#) in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)

(2) [1986 c. 41](#). Subsection (4) of section 99 was amended, and subsection (4A) of that section inserted, by section 57(1) of the Finance Act (No. 2) 2005 (c. 22).

(3) [1997 c. 16](#). Paragraph 2(4)(a) was amended by [S.I. 2011/1043](#).

Changes to legislation:

There are currently no known outstanding effects for the The Taxes (Amendments) (EU Exit) Regulations 2019, PART 5.