

# Income and Corporation Taxes Act 1988

# **1988 CHAPTER 1**

# PART XVIII

## DOUBLE TAXATION RELIEF

## **CHAPTER II**

## RULES GOVERNING RELIEF BY WAY OF CREDIT

Modifications etc. (not altering text)

C1 Pt. 18 Chs. 1, 2 modified (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 277(1), 289 (with ss. 60, 101(1), 171, 201(3))

General

## 792 Interpretation of credit code.

F1

## **Textual Amendments**

F1 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## 793 Reduction of United Kingdom taxes by amount of credit due.

F2

#### **Textual Amendments**

F2 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F3</sup>793A No double relief etc.

<sup>F4</sup>.....]

#### **Textual Amendments**

- F3 S. 793A inserted (with effect in accordance with Sch. 30 para. 5(2)(3) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 5(1)
- F4 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## 794 Requirement as to residence.

F5

5

#### **Textual Amendments**

F5 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## 795 Computation of income subject to foreign tax.

F6

#### **Textual Amendments**

F6 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F7</sup>795A Limits on credit: minimisation of the foreign tax.

<sup>F8</sup>.....]

#### **Textual Amendments**

F7 S. 795A inserted (with effect in accordance with Sch. 30 para. 6(2) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 6(1)

F8 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

### 796 Limits on credit: income tax.

F9

#### **Textual Amendments**

F9 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

### 797 Limits on credit: corporation tax.

F10

#### Textual Amendments

F10 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

# [<sup>F11</sup>797AForeign tax on [<sup>F12</sup>items giving rise to] a non-trading credit [<sup>F13</sup>: loan relationships].

#### **Textual Amendments**

- F11 S. 797A inserted (with effect in accordance with s. 105(1) of the amending Act) by Finance Act 1996 (c. 8), Sch. 14 para. 43 (with Sch. 15)
- F12 Word in s. 797A sidenote substituted (with effect in accordance with Sch. 30 para. 7(4) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 7(3)
- F13 Words in s. 797A sidenote added (24.7.2002) by Finance Act 2002 (c. 23), Sch. 30 para. 5(3)
- F14 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F15</sup>797BForeign tax on items giving rise to a non-trading credit: intangible fixed assets

#### **Textual Amendments**

F15 S. 797B inserted (24.7.2002) by Finance Act 2002 (c. 23), Sch. 30 para. 5(4)

F16 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

#### 798 Section 796: trade income

F17

#### **Textual Amendments**

F17 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F18</sup>798ASection 797: trade income

#### **Textual Amendments**

- F18 S. 798A inserted (with effect in accordance with s. 103(2)(3) of the amending Act) by Finance Act 1998 (c. 36), s. 104
- F19 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F20</sup>798BSection 798A: special cases

#### **Textual Amendments**

- F20 S. 798B inserted (with effect in accordance with s. 103(2)(3) of the amending Act) by Finance Act 1998 (c. 36), s. 105
- F21 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F22</sup>798CDisallowed credit: use as deduction

F23

## **Textual Amendments**

F22 Ss. 798-798C substituted for ss. 798-798B (with effect in accordance with s. 86(3)-(5) of the amending Act) by Finance Act 2005 (c. 7), s. 86(1)

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F23 Ss. 792-798C repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 17, Sch. 10 Pt. 1 (with Sch. 9)

#### Tax underlying dividends

#### 799 Computation of underlying tax.

F24

#### **Textual Amendments**

F24 S. 799 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 18, Sch. 10 Pt. 1 (with Sch. 9)

#### 800 Dividends paid between related companies but not covered by arrangements.

F25

#### **Textual Amendments**

F25 S. 800 repealed (with effect in accordance with Sch. 30 para. 10(2) of the repealing Act) by Finance Act 2000 (c. 17), Sch. 30 para. 10(1), Sch. 40 Pt. 2(13), Note

#### 801 Dividends paid between related companies: relief for U.K. and third country taxes.

F26 

#### **Textual Amendments**

F26 Ss. 801-801B repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 18, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F27</sup>801ARestriction of relief for underlying tax.

#### **Textual Amendments**

- F27 S. 801A inserted (with effect in accordance with s. 90(2) of the amending Act) by Finance Act 1997 (c. 16), s. 90(1)
- F28 Ss. 801-801B repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 18, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F29</sup>801BDividends paid out of transferred profits.

F30

#### **Textual Amendments**

- F29 S. 801B inserted (with effect in accordance with Sch. 30 para. 12(2) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 12(1)
- F30 Ss. 801-801B repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 18, Sch. 10 Pt. 1 (with Sch. 9)

# [<sup>F31</sup>801CSeparate streaming of dividend so far as representing an ADP dividend of a CFC.

F32

#### **Textual Amendments**

- F31 S. 801C inserted (with effect in accordance with Sch. 30 para. 13(2)(3) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 13(1)
- F32 S. 801C omitted (with effect in accordance with Sch. 16 para. 6 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 16 para. 2(4) (with Sch. 16 paras. 7, 8)

## 802 U.K. insurance companies trading overseas.

F33

#### **Textual Amendments**

**F33** S. 802 repealed (with effect in accordance with Sch. 30 para. 14(2) of the repealing Act) by Finance Act 2000 (c. 17), Sch. 30 para. 14(1), Sch. 40 Pt. 2(13), Note

## 803 Underlying tax reflecting interest on loans.

F34

#### **Textual Amendments**

F34 Ss. 803-804E repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F35</sup>803AForeign taxation of group as a single entity.

F36.....]

Income and Corporation Taxes Act 1988 (c. 1) PART XVIII – DOUBLE TAXATION RELIEF CHAPTER II – RULES GOVERNING RELIEF BY WAY OF CREDIT Document Generated: 2024-07-06

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#### **Textual Amendments**

- F35 S. 803A inserted (with effect in accordance with Sch. 30 para. 15(2) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 15(1)
- **F36** Ss. 803-804E repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

## Miscellaneous rules

# **804** Relief against income tax in respect of income arising in years of commencement.

F37

#### **Textual Amendments**

**F37** Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F38</sup>804Z&chemes and arrangements designed to increase relief

F39

#### **Textual Amendments**

- **F38** Ss. 804ZA-804ZC inserted (with effect in accordance with s. 87(3)-(5) of the amending Act) by Finance Act 2005 (c. 7), s. 87(1)
- **F39** Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

#### 804ZB Effect of notice under section 804ZA

F40

#### **Textual Amendments**

- **F38** Ss. 804ZA-804ZC inserted (with effect in accordance with s. 87(3)-(5) of the amending Act) by Finance Act 2005 (c. 7), s. 87(1)
- F40 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

### 804ZC Notices under section 804ZA: further provision

#### **Textual Amendments**

- F38 Ss. 804ZA-804ZC inserted (with effect in accordance with s. 87(3)-(5) of the amending Act) by Finance Act 2005 (c. 7), s. 87(1)
- F41 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

[<sup>F43</sup>804A[<sup>F42</sup>Life assurance companies with overseas branches etc: restriction of credit.]

F44 

#### **Textual Amendments**

- F42 S. 804A sidenote substituted (with effect in accordance with Sch. 30 para. 16(6) of the amending Act) by virtue of Finance Act 2000 (c. 17), Sch. 30 para. 16(5)
- F43 S. 804A inserted (with effect in accordance with Sch. 7 para. 10 of the amending Act) by Finance Act 1990 (c. 29), Sch. 7 para. 5
- F44 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

[<sup>F45</sup>804BInsurance companies carrying on more than one category of business: restriction of credit.

> F46

#### **Textual Amendments**

- S. 804B inserted (with effect in accordance with Sch. 30 para. 17(2) of the amending Act) by Finance F45 Act 2000 (c. 17), Sch. 30 para. 17(1)
- F46 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F47</sup>804CInsurance companies: allocation of expenses etc in computations under [<sup>F48</sup>section 35 of CTA 2009].

F49

#### **Textual Amendments**

- F47 Ss. 804C-804E inserted (with effect in accordance with Sch. 30 para. 18(4) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 18(1)
- Words in s. 804C heading substituted (1.4.2009 with effect in accordance with s. 1329(1) of the F48 amending Act) by Corporation Tax Act 2009 (c. 4), Sch. 1 para. 251(3) (with Sch. 2 Pts. 1, 2)
- F49 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

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#### 804D Interpretation of section 804C in relation to life assurance business etc.

### **Textual Amendments**

- F47 Ss. 804C-804E inserted (with effect in accordance with Sch. 30 para. 18(4) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 18(1)
- F50 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

#### 804E Interpretation of section 804C in relation to other insurance business.

#### **Textual Amendments**

- F47 Ss. 804C-804E inserted (with effect in accordance with Sch. 30 para. 18(4) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 18(1)
- F51 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

## [<sup>F52</sup>804F Interpretation of sections 804A to 804E.

F53

#### **Textual Amendments**

- F52 S. 804F inserted (with effect in accordance with Sch. 30 para. 19(2) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 19(1)
- F53 S. 804F repealed (with effect in accordance with Sch. 10 para. 17(2) of the repealing Act) by Finance Act 2007 (c. 11), Sch. 10 para. 14(2)(e), Sch. 27 Pt. 2(10), Note

### [<sup>F54</sup>804GReduction in credit: payment by reference to foreign tax

#### **Textual Amendments**

- F54 S. 804G inserted (with effect in accordance with s. 59(13) of the amending Act) by Finance Act 2009 (c. 10), s. 59(2)
- Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing F55 Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

#### 805 Elections against credit.

F56

#### **Textual Amendments**

F56 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9)

#### 806 Time limit for claims etc.

F57

#### **Textual Amendments**

F57 Ss. 803-804E, 804G-806 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 19, Sch. 10 Pt. 1 (with Sch. 9) (subject to amendment to s. 806 by Finance Act 2008 (c. 9), s. 118(2), Sch. 39 para. 24; S.I. 2009/403, arts. 2(2), 10)

*I<sup>F58</sup>* Foreign dividends: onshore pooling and utilisation of eligible unrelieved foreign tax

#### **Textual Amendments**

**F58** Ss. 806A-806H, 806J and cross-heading inserted (with effect in accordance with Sch. 30 para. 21(2) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 21(1)

## 806A Eligible unrelieved foreign tax on dividends: introductory.

F59

#### **Textual Amendments**

F59 Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9 (subject to amendment to s. 806A by: Corporation Tax Act 2010 (c. 4), s. 1184(1), Sch. 1 para. 114 (with Sch. 2); Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), Sch. 8 para. 20 (with Sch. 9))

#### 806B The amounts that are eligible unrelieved foreign tax.

F60

#### **Textual Amendments**

**F60** Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), **Sch. 14 para. 9** (subject to amendment to s. 806B by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), Sch. 8 para. 21 (with **Sch. 9**))

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#### 806C Onshore pooling.

F61

#### **Textual Amendments**

F61 Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9 (subject to amendment to s. 806C by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), Sch. 8 para. 22 (with Sch. 9))

#### 806D Utilisation of eligible unrelieved foreign tax.

F62

#### **Textual Amendments**

F62 Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9 (subject to amendment to s. 806D by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), Sch. 8 para. 23 (with Sch. 9))

## 806E Rules for carry back of relievable tax under section 806D.

F63

.....

#### **Textual Amendments**

**F63** Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9

### 806F Credit to be given for underlying tax before other foreign tax etc.

F64

#### **Textual Amendments**

F64 Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9 (subject to amendment to s. 806F by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), Sch. 8 para. 24 (with Sch. 9))

#### 806G Claims for the purposes of section 806D(4) or (5).

F65

#### **Textual Amendments**

F65 Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9 (subject to amendment to s. 806G by Finance Act 2008 (c. 9), s. 118(2), Sch. 39 para. 25; S.I. 2009/403, arts. 2(2), 10)

## 806H Surrender of relievable tax by one company in a group to another.

F66

#### **Textual Amendments**

F66 Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9

#### 806J Interpretation of foreign dividend provisions of this Chapter.

<sup>F67</sup>......

#### **Textual Amendments**

F67 Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9 (subject to amendment to s. 806J by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), Sch. 8 para. 25 (with Sch. 9))

[<sup>F68</sup> Application of foreign dividend provisions to branches or agencies in the UK of persons resident elsewhere

#### **Textual Amendments**

F68 S. 806K and cross-heading inserted (with effect in accordance with Sch. 30 para. 22(2) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 22(1)

# **806K** Application of foreign dividend provisions to branches or agencies in the UK of persons resident elsewhere.

F69 .....

#### **Textual Amendments**

**F69** Ss. 806A-806K omitted (with effect in accordance with Sch. 14 para. 31 of the repealing Act) by virtue of Finance Act 2009 (c. 10), Sch. 14 para. 9

 $I^{F70}$  Unrelieved foreign tax: profits of overseas branch or agency

#### **Textual Amendments**

**F70** Ss. 806L, 806M and cross-heading inserted (with effect in accordance with Sch. 30 para. 23(2)(3) of the amending Act) by Finance Act 2000 (c. 17), Sch. 30 para. 23(1)

## 806L Carry forward or carry back of unrelieved foreign tax.

F71

Income and Corporation Taxes Act 1988 (c. 1) PART XVIII – DOUBLE TAXATION RELIEF CHAPTER II – RULES GOVERNING RELIEF BY WAY OF CREDIT Document Generated: 2024-07-06

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#### **Textual Amendments**

**F71** Ss. 806L, 806M repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 26, Sch. 10 Pt. 1

## **806M** Provisions supplemental to section 806L.

F72

#### **Textual Amendments**

F72 Ss. 806L, 806M repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), Sch. 8 para. 26, Sch. 10 Pt. 1 (subject to amendment to s. 806M by Finance Act 2008 (c. 9), s. 118(2), Sch. 39 para. 26; S.I. 2009/403, arts. 2(2), 10)

