



Capital Allowances Act 1990 (repealed)

1990 CHAPTER 1

PART II

MACHINERY AND PLANT

CHAPTER II

SHIPS

[^{F1}Balancing charges in respect of ship disposals etc.]

[^{F1}33E Qualifying ships.

- (1) Subject to the following provisions of this section, a ship is a qualifying ship for the purposes of sections 33A to 33D if it is a ship of a sea-going kind and is registered, in any register of shipping established and maintained under the law of the United Kingdom or of any other country or territory, as a ship with a gross tonnage of or in excess of 100 tons.
- (2) In any case where the event mentioned in section 33A(1)(b) consists in or results from either—
 - (a) the total loss of the old ship, or
 - (b) damage to the old ship that puts it in a condition in which it is impossible, or not commercially worthwhile, for the repair required for restoring it to its previous use to be undertaken,the references to a qualifying ship in section 33A(1)(d) and section 33D(1) and (2) shall have effect as if in subsection (1) above the words “as a ship with a gross tonnage of or in excess of 100 tons” were omitted.
- (3) A ship is not a qualifying ship if the primary use to which ships of the same kind as that ship are put by the persons to whom they belong or, where their use is made available to others, by those others is use for sport or recreation.

Status: Point in time view as at 01/05/1995. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Capital Allowances Act 1990 (repealed), Section 33E. (See end of Document for details)

- (4) A ship is not a qualifying ship at any time when—
- (a) it is an offshore installation for the purposes of the Mineral Workings (Offshore Installations) Act 1971; or
 - (b) it would be such an installation if the activity for the carrying on of which it is or is to be established or maintained were carried on in or under controlled waters (within the meaning of that Act).
- (5) Where, in the case of any ship which has been brought into use for the purposes of a trade of the shipowner or a person connected with him but was not so brought into use before 20th July 1994—
- (a) there is a time in the qualifying period when the ship is not registered in a relevant register, and
 - (b) that time is more than three months after that period began,
- the ship shall not, in relation to times after the time mentioned in paragraph (a) above, be a qualifying ship.
- (6) In subsection (5) above “the qualifying period” means the period between—
- (a) the time when the ship is first brought into use for the purposes of any trade of the shipowner or (without having been so brought into use) for the purposes of any trade of a person connected with him; and
 - (b) whichever is the earlier of—
 - (i) the end of the period of three years beginning with that time, and
 - (ii) the first occasion after that time when neither the shipowner nor any person connected with him is a person to whom the ship belongs.
- (7) In subsection (5) above “relevant register”, in relation to any ship, means any register of shipping established and maintained under the law of any part of the British Islands or of any country or territory which, at a time in the period which in the case of that ship is the qualifying period for the purposes of that subsection, is a member State, another State within the European Economic Area or a colony.
- (8) References in subsections (5) and (6) above to a person connected with the shipowner shall be construed in accordance with section 33D(8) but shall have effect in relation to the old ship as if a trade carried on at any time by any person were carried on at that time by a person so connected wherever—
- (a) it was subsequently carried on by the shipowner or a person connected with him; and
 - (b) it underwent, between that time and the time when it was carried on by the shipowner or a person connected with him, only such changes in the persons engaged in carrying it on as are changes in respect of which it is to be treated by virtue of section 113(2) or 343(2) of the principal Act as not having been discontinued.]

Textual Amendments

- F1** Ss. 33D, 33E inserted (with effect in accordance with s. 98(1)(2) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 96](#) (with s. 98(2)-(6))

Status:

Point in time view as at 01/05/1995. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Capital Allowances Act 1990 (repealed), Section 33E.