

Changes to legislation: Taxation of Chargeable Gains Act 1992, SCHEDULE 4 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 36.

DEFERRED CHARGES ON GAINS BEFORE 31ST MARCH 1982

[^{F1}Application of Schedule

Textual Amendments

- F1** Sch. 4 para. A1 and cross-heading inserted (with effect in accordance with Sch. 2 para. 76 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 2 para. 74\(2\)](#)

A1 This Schedule applies only for the purposes of corporation tax.]

Reduction of deduction or gain

- 1 Where this Schedule applies—
- (a) in a case within paragraph 2 below, the amount of the deduction referred to in that paragraph, and
 - (b) in a case within paragraph 3 or 4 below, the amount of the gain referred to in that paragraph,
- shall be one half of what it would be apart from this Schedule.

Charges rolled-over or held-over

- 2 (1) Subject to sub-paragraphs (2) to (4) below, this Schedule applies on a disposal, not being a no gain/no loss disposal, of an asset if—
- (a) the person making the disposal acquired the asset after 31st March 1982,
 - (b) a deduction falls to be made by virtue of any of the enactments specified in sub-paragraph (5) below from the expenditure which is allowable in computing the amount of any gain accruing on the disposal, and
 - (c) the deduction is attributable (whether directly or indirectly and whether in whole or in part) to a chargeable gain accruing on the disposal before 6th April 1988 of an asset acquired before 31st March 1982 by the person making that disposal.
- (2) This Schedule does not apply where, by reason of the previous operation of this Schedule, the amount of the deduction is less than it otherwise would be.
- (3) This Schedule does not apply if the amount of the deduction would have been less had relief by virtue of a previous application of this Schedule been duly claimed.
- (4) Where—
- (a) the asset was acquired on or after 19th March 1991,
 - (b) the deduction is partly attributable to a claim by virtue of section 154(4), and

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(c) the claim applies to the asset,
 this Schedule does not apply by virtue of this paragraph.

(5) The enactments referred to in sub-paragraph (1) above are sections 23(4) and (5), 152^{F2}... and 247^{F3}...

Textual Amendments

- F2** Words in Sch. 4 para. 2(5) omitted (with effect in accordance with Sch. 2 para. 76 of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 2 para. 74(3)(a)**
- F3** Words in Sch. 4 para. 2(5) omitted (with effect in accordance with Sch. 2 para. 76 of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 2 para. 74(3)(b)**

- 3 (1) This paragraph applies where this Schedule would have applied on a disposal but for paragraph 2(4) above.
- (2) This Schedule applies on the disposal if paragraph 4 below would have applied had—
- section 154(2) continued to apply to the gain carried forward as a result of the claim by virtue of section 154(4), and
 - the time of the disposal been the time when that gain was treated as accruing by virtue of section 154(2).

Postponed charges

- 4 (1) Subject to sub-paragraphs (3) to (5) below, this Schedule applies where—
- a gain is treated as accruing by virtue of any of the enactments specified in sub-paragraph (2) below, and
 - that gain is attributable (whether directly or indirectly and whether in whole or in part) to the disposal before 6th April 1988 of an asset acquired before 31st March 1982 by the person making that disposal.
- (2) The enactments referred to in sub-paragraph (1) above are sections 116(10) and (11), 134, 140, 154(2),^{F4}...^{F5}... and 248(3).
- ^{F6}(3)
- (4) Where a gain is treated as accruing in consequence of an event, this Schedule does not apply if—
- the gain is attributable (whether directly or indirectly and whether in whole or part) to the disposal of an asset on or after 6th April 1988, or
 - the amount of the gain would have been less had relief by virtue of a previous application of this Schedule been duly claimed.
- (5) None of sections 134, 140(4), 154(2) and 248(3) shall apply in consequence of an event occurring on or after 6th April 1988 if its application would be directly attributable to the disposal of an asset on or before 31st March 1982.

Textual Amendments

- F4** Words in Sch. 4 para. 4(2) omitted (with effect in accordance with Sch. 2 para. 76 of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 2 para. 74(4)**
- F5** Words in Sch. 4 para. 4(2) repealed (28.7.2000) by [Finance Act 2000 \(c. 17\)](#), **Sch. 40 Pt. II(12)**

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F6 Sch. 4 para. 4(3) repealed (28.7.2000) by Finance Act 2000 (c. 17), Sch. 40 Pt. II(12)

Previous no gain/no loss disposals

- 5 Where—
- (a) a person makes a disposal of an asset which he acquired on or after 31st March 1982, and
 - (b) the disposal by which he acquired the asset and any previous disposal of the asset on or after 31st March 1982 was a no gain/no loss disposal,
- he shall be treated for the purposes of paragraphs 2(1)(c) and 4(1)(b) above as having acquired the asset before 31st March 1982.
- 6 (1) Sub-paragraph (2) below applies where—
- (a) a person makes a disposal of an asset which he acquired on or after 31st March 1982,
 - (b) the disposal by which he acquired the asset was a no gain/no loss disposal, and
 - (c) a deduction falling to be made as mentioned in paragraph (b) of sub-paragraph (1) of paragraph 2 above which was attributable as mentioned in paragraph (c) of that sub-paragraph was made—
 - (i) on that disposal, or
 - (ii) where one or more earlier no gain/no loss disposals of the asset have been made on or after 31st March 1982 and since the last disposal of the asset which was not a no gain/no loss disposal, on any such earlier disposal.
- (2) Where this sub-paragraph applies the deduction shall be treated for the purposes of paragraph 2 above as falling to be made on the disposal mentioned in sub-paragraph (1)(a) above and not on the no gain/no loss disposal.
- 7 For the purposes of this Schedule a no gain/no loss disposal is one on which by virtue of any of the ^{F7}no gain/no loss provisions] neither a gain nor a loss accrues to the person making the disposal.

Textual Amendments

F7 Words in Sch. 4 para. 7 substituted (with effect in accordance with Sch. 2 para. 71 of the amending Act) by Finance Act 2008 (c. 9), Sch. 2 para. 66

Assets derived from other assets

- 8 The references in paragraphs 2(1)(c) and 4(1)(b) above to the disposal of an asset acquired by a person before 31st March 1982 include references to the disposal of an asset which was not acquired by the person before that date if its value is derived from another asset which was so acquired and of which account is to be taken in relation to the disposal under section 43.

Claims

- 9 (1) No relief shall be given under this Schedule unless a claim is made—
^{F8}(a)

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(b) ^{F9} ... within the period of 2 years beginning at the end of the ^{F10} ... accounting period in which the disposal in question is made, or the gain in question is treated as accruing,

^{F11}(c)

or within such longer period ^{F12} ... as the Board may by notice allow.

(2) A claim under sub-paragraph (1) above shall be supported by such particulars as the inspector may require for the purpose of establishing entitlement to relief under this Schedule and the amount of relief due.

Textual Amendments

- F8** Sch. 4 para. 9(1)(a) repealed (28.7.2000) by [Finance Act 2000 \(c. 17\)](#), **Sch. 40 Pt. II(12)**
- F9** Words in Sch. 4 para. 9(1)(b) omitted (with effect in accordance with Sch. 2 para. 76 of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 2 para. 74(5)(a)**
- F10** Words in Sch. 4 para. 9(1)(b) repealed (with effect in accordance with s. 135(2) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 21 para. 43\(a\)\(ii\)](#), **Sch. 41 Pt. V(11)**
- F11** Sch. 4 para. 9(1)(c) omitted (with effect in accordance with Sch. 2 para. 76 of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 2 para. 74(5)(b)**
- F12** Words in Sch. 4 para. 9(1) omitted (with effect in accordance with Sch. 2 para. 76 of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 2 para. 74(5)(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [1997 c. 16 Sch. 12 para. 12\(7\)](#)[1314](#)
- Act applied by [2002 c. 23 Sch. 16 para. 48\(1\)\(2\)](#)
- Act construed as one with reg. 37 by [S.I. 2006/575 reg. 37\(2\)](#)
- Act construed as one with reg. 38 by [S.I. 2006/575 reg. 38\(3\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(10)(11) inserted by [2016 c. 11 s. 15\(4\)](#)
- s. 4(10) words inserted by [2016 c. 24 s. 83\(11\)](#)
- s. 35(3)(d)(xviii) added by [2008 c. 17 Sch. 7 para. 9](#)
- s. 35(3)(d)(xviii) inserted by [2008 c. 18 Sch. 13 para. 46](#)
- s. 35(3)(d)(xviii) repealed by [S.I. 2008/3002 Sch. 1 para. 42](#)[Sch. 3](#) (This amendment comes into force on the day 2008 c. 4, s. 5 comes into force, see art. 1(2). That provision was brought into force on 1.12.2008 by [S.I. 2008/3068](#), art. 2(1)(b))
- s. 104(4)(b)(i) words substituted by [S.I. 1989/469](#), reg. 27(2) (as amended) by [S.I. 1997/1716 reg. 13\(1\)\(b\)](#)
- s. 107(11) words substituted by [S.I. 1989/469](#), reg. 27(2A) (as amended) by [S.I. 1997/1716 reg. 13\(2\)\(b\)](#)
- s. 169S(4A) inserted by [2015 c. 11 s. 43\(2\)](#)
- s. 587B inserted by [2000 c. 17 s. 43\(1\)](#)
- Sch. 5C para. 3(1) modified by [S.I. 2004/2199 reg. 7\(1\)](#)
- Sch. 5C para. 3(6) modified by [S.I. 2004/2199 reg. 7\(2\)](#)
- Sch. 5C para. 5(1) modified by [S.I. 2004/2199 reg. 7\(3\)](#)
- Sch. 5C para. 3 words inserted by [S.I. 2005/3229 reg. 128](#)
- Sch. 5C para. 5 words inserted by [S.I. 2005/3229 reg. 128](#)
- Sch. 5C para. 6 words inserted by [S.I. 2005/3229 reg. 128](#)
- Sch. 5C para. 3(1)(f) words substituted by [2007 c. 3 Sch. 1 para. 347](#)