

**Changes to legislation:** Taxation of Chargeable Gains Act 1992, Cross Heading: Outstanding section 1(3) amounts is up to date with all changes known to be in force on or before 02 July 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

### [<sup>F1</sup>SCHEDULE 4C

#### TRANSFERS OF VALUE: ATTRIBUTION OF GAINS TO BENEFICIARIES

##### Textual Amendments

- F1** Sch. 4C inserted (with effect in accordance with s. 92(5) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), s. 92(4), [Sch. 26 Pt. 1](#)

##### Modifications etc. (not altering text)

- C1** Sch. 4C applied (with modifications) (with effect in accordance with art. 1(2)(3), Sch. 1 of the affecting S.I.) by [The Offshore Funds \(Tax\) Regulations 2009 \(S.I. 2009/3001\)](#), regs. 1(1), [20\(3\)](#)
- C1** Sch. 4C applied (with modifications) by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), s. [762\(3\)](#) (as substituted (with effect in accordance with [Sch. 7 para. 98](#) of the amending Act) by [Finance Act 2008 \(c. 9\)](#)), [Sch. 7 para. 93\(3\)](#))
- C1** Sch. 4C modified (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), [Sch. 7 paras. 152-155](#)

#### [<sup>F2</sup>Outstanding [<sup>F3</sup>section 1(3) amounts]

##### Textual Amendments

- F2** Sch. 4C para. 1A and cross-heading inserted (with effect in accordance with Sch. 7 para. 147 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 7 para. 133](#) (with [Sch. 7 para. 155](#))
- F3** Words in [Sch. 4C para. 1A cross-heading](#) substituted (5.4.2022) by [The Taxation of Chargeable Gains Act 1992 \(Amendment\) Regulations 2022 \(S.I. 2022/230\)](#), regs. 1, [4](#)

- 1A (1) The following steps are to be taken for the purpose of calculating [<sup>F4</sup>the section 1(3) amounts] for a settlement that are outstanding at the end of a tax year (“the relevant tax year”).

##### *Step 1*

Find [<sup>F4</sup>the section 1(3) amount] for the settlement for the relevant tax year and earlier tax years, as reduced under section 87A as it applies for the relevant tax year and earlier tax years.

##### *Step 2*

This Step applies if, [<sup>F5</sup>directly or indirectly] by virtue of the matching of [<sup>F4</sup>the section 1(3) amount] for the settlement for a tax year (“the applicable year”) with a capital payment, chargeable gains are treated under section 87[<sup>F6</sup>, 87K, 87L] or 89(2) as accruing in the relevant tax year to [<sup>F7</sup>an individual] who is not chargeable to tax for that year.

Increase [<sup>F4</sup>the section 1(3) amount] for the applicable year (found under Step 1) by the amount of the chargeable gains.

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- (2) For the purposes of Step 1 of sub-paragraph (1) take into account the effect of section 90 in relation to any transfer of settled property from or to the trustees of the settlement made in or before the relevant tax year.
- (3) For the purposes of this Schedule [<sup>F8</sup>an individual] is “chargeable to tax” for a tax year if [<sup>F9</sup>, as respects that year, [<sup>F10</sup>the individual][<sup>F11</sup>is UK resident for the tax year (as determined in accordance with Chapter 1 of Part 1 of this Act)]].]

#### Textual Amendments

- F4** Words in [Sch. 4C](#) substituted (with effect in accordance with Sch. 1 paras. 120, 123 of the amending Act) by [Finance Act 2019 \(c. 1\)](#), [Sch. 1 para. 89\(2\)](#)
- F5** Words in Sch. 4C para. 1A(1) inserted (15.3.2018) by [Finance Act 2018 \(c. 3\)](#), [Sch. 10 para. 1\(9\)\(a\)\(i\)](#)
- F6** Words in Sch. 4C para. 1A(1) inserted (15.3.2018) by [Finance Act 2018 \(c. 3\)](#), [Sch. 10 para. 1\(9\)\(a\)\(ii\)](#)
- F7** Words in Sch. 4C para. 1A(1) substituted (15.3.2018) by [Finance Act 2018 \(c. 3\)](#), [Sch. 10 para. 1\(9\)\(a\)\(iii\)](#)
- F8** Words in Sch. 4C para. 1A(3) substituted (15.3.2018) by [Finance Act 2018 \(c. 3\)](#), [Sch. 10 para. 1\(9\)\(b\)\(i\)](#)
- F9** Words in Sch. 4C para. 1A(3) substituted (with effect in accordance with Sch. 46 para. 112 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 46 para. 107\(2\)](#)
- F10** Words in Sch. 4C para. 1A(3) substituted (15.3.2018) by [Finance Act 2018 \(c. 3\)](#), [Sch. 10 para. 1\(9\)\(b\)\(ii\)](#)
- F11** Words in [Sch. 4C para. 1A\(3\)](#) substituted (with effect in accordance with Sch. 1 paras. 120, 123 of the amending Act) by [Finance Act 2019 \(c. 1\)](#), [Sch. 1 para. 89\(3\)](#)

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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](#)