

*Status: Point in time view as at 17/09/2004.*

*Changes to legislation: Taxation of Chargeable Gains Act 1992, Cross Heading: Value received by other persons is up to date with all changes known to be in force on or before 15 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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 5B

#### ENTERPRISE INVESTMENT SCHEME: RE-INVESTMENT

##### Textual Amendments

- F1** Sch. 5B inserted (with effect in accordance with Sch. 13 para. 4(4) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [Sch. 13 para. 4\(3\)](#)

*[<sup>F2</sup> Value received by other persons*

##### Textual Amendments

- F2** Sch. 5B paras. 10-15 and cross-headings inserted (with effect in accordance with s. 74(3) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 13 para. 35](#)

- 14 (1) Sub-paragraph (2) below applies where an individual subscribes for eligible shares (“the shares”) in a company and at any time in the [<sup>F3</sup>period of restriction] the company or any subsidiary—
- (a) repays, redeems or repurchases any of its share capital which belongs to any member other than the individual or [<sup>F4</sup>a person] falling within sub-paragraph (3) below, or
  - (b) makes any payment (directly or indirectly) to any such member, or to his order or for his benefit, for the giving up of his right to any of the share capital of the company or subsidiary on its cancellation or extinguishment.
- [<sup>F5</sup>This is subject to [<sup>F6</sup>paragraphs 14AA and 14A] below.]
- (2) The shares shall be treated for the purposes of this Schedule—
- (a) if the repayment, redemption, repurchase or payment in question is made or effected on or before the date of the issue of the shares, as never having been eligible shares; and
  - (b) if it is made or effected after that date, as ceasing to be eligible shares on the date when it is made or effected.
- (3) [<sup>F7</sup>A person] falls within this sub-paragraph if the repayment, redemption, repurchase or payment in question—
- (a) gives rise to a qualifying chargeable event in respect of him, or
  - (b) causes any relief under Chapter III of Part VII of the Taxes Act attributable to his shares in the company to be withdrawn or reduced by virtue of section 299 or 300(2)(a) of that Act, [<sup>F8</sup>or
  - (c) causes any investment relief [<sup>F9</sup>attributable to shares held by that person] (within the meaning of Schedule 15 to the Finance Act 2000) to be

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withdrawn or reduced by virtue of paragraph 46 (disposal of shares) or 49(1) (a) (repayment etc. of share capital or securities) of that Schedule]

[<sup>F10</sup> or it would have the effect mentioned in paragraph (a), (b) or (c) above were it not a receipt of insignificant value for the purposes of paragraph 13 above, section 300 of the Taxes Act or paragraph 47 of Schedule 15 to the Finance Act 2000, as the case may be].

- (4) In sub-paragraph (3) above “qualifying chargeable event” means—
- (a) a chargeable event falling within paragraph 3(1)(a) or (b) above; or
  - (b) a chargeable event falling within paragraph 3(1)(e) above by virtue of sub-paragraph (1)(b) of paragraph 13 above (as it applies by virtue of sub-paragraph (2)(a) of that paragraph).
- (5) Where—
- (a) a company issues share capital (“the original shares”) of nominal value equal to the authorised minimum (within the meaning of the Companies Act 1985) for the purposes of complying with the requirements of section 117 of that Act (public company not to do business unless requirements as to share capital complied with), and
  - (b) after the registrar of companies has issued the company with a certificate under section 117, it issues eligible shares,
- the preceding provisions of this paragraph shall not apply in relation to any redemption of any of the original shares within 12 months of the date on which those shares were issued.
- (6) In relation to companies incorporated under the law of Northern Ireland references in sub-paragraph (5) above to the Companies Act 1985 and to section 117 of that Act shall have effect as references to the Companies (Northern Ireland) Order 1986 and to Article 127 of that Order.
- (7) References in this paragraph [<sup>F11</sup> and [<sup>F12</sup> paragraphs 14AA and 14A] below] to a subsidiary of a company are references to a company which at any time in the relevant period is a 51 per cent. subsidiary of the first mentioned company, whether or not it is such a subsidiary at the time of the repayment, redemption, repurchase or payment in question.]]

#### Textual Amendments

- F3** Words in Sch. 5B para. 14(1) substituted (11.5.2001) by [Finance Act 2001 \(c. 9\)](#), [Sch. 15 para. 32\(1\)\(a\)](#) (with [Sch. 3](#))
- F4** Words in Sch. 5B para. 14(1)(a) substituted (with effect in accordance with s. 63(4) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), [Sch. 16 para. 4\(2\)\(a\)](#)
- F5** Words in Sch. 5B para. 14(1) inserted (with effect in accordance with s. 63(4) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), [Sch. 16 para. 4\(2\)\(b\)](#)
- F6** Words in Sch. 5B para. 14(1) substituted (11.5.2001) by [Finance Act 2001 \(c. 9\)](#), [Sch. 15 para. 32\(1\)\(b\)](#) (with [Sch. 3](#))
- F7** Words in Sch. 5B para. 14(3) substituted (with effect in accordance with s. 63(4) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), [Sch. 16 para. 4\(2\)\(c\)](#)
- F8** Sch. 5B para. 14(3)(c) and preceding word inserted (with effect in accordance with s. 63(4) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), [Sch. 16 para. 4\(2\)\(d\)](#)
- F9** Words in Sch. 5B para. 14(3)(c) inserted (11.5.2001) by [Finance Act 2001 \(c. 9\)](#), [Sch. 15 para. 32\(2\)\(a\)](#) (with [Sch. 3](#))

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- F10** Words in Sch. 5B para. 14(3) inserted (11.5.2001) by Finance Act 2001 (c. 9), **Sch. 15 para. 32(2)(b)** (with Sch. 3)
- F11** Words in Sch. 5B para. 14(7) inserted (11.5.2001) by Finance Act 2001 (c. 9), **Sch. 15 para. 32(3)** (with Sch. 3)
- F12** Words in Sch. 5B para. 14(7) substituted (with effect in accordance with Sch. 18 para. 17(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 18 para. 17(1)**

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