



Finance Act 1993

1993 CHAPTER 34

PART II **U.K.**

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER I **U.K.**

GENERAL

Income tax: charge, rates and allowances

^{F1}51 Charge and rates of income tax for 1993-94. **U.K.**

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Textual Amendments

F1 S. 51 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

^{F2}52 Personal and married couple's allowances. **U.K.**

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Textual Amendments

F2 S. 52 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Corporation tax charge and rate

53 Charge and rate of corporation tax for 1993. U.K.

Corporation tax shall be charged for the financial year 1993 at the rate of 33 per cent.

54 Small companies. U.K.

For the financial year 1993—

- (a) the small companies’ rate shall be 25 per cent., and
- (b) the fraction mentioned in section 13(2) of the Taxes Act 1988 (marginal relief for small companies) shall be one fiftieth.

Interest: general

55 Relief for interest. U.K.

For the year 1993-94 the qualifying maximum defined in section 367(5) of the Taxes Act 1988 (limit on relief for interest on certain loans) shall be £30,000.

^{F3}**56** **U.K.**

Textual Amendments

F3 S. 56 repealed (27.7.1999 with effect in relation to any payment of interest falling within s. 38(3)(4) of the amending Act) by 1999 c. 16, s. 139, Sch. 20 Pt. III(7) Note 4

57 Temporary relief for interest payments. U.K.

^{F4}(1)

^{F4}(2)

(3) In section 365 of that Act (relief on interest on loans to buy a life annuity), after subsection (1) there shall be inserted the following subsections—

“(1A) Where, in the case of any loan—

- (a) the condition specified in subsection (1)(d) above would not (apart from this subsection) be fulfilled with respect to any land by reason of its having ceased at any time to be used by a particular person as his only or main residence; and
- (b) the intention at that time of the person to whom the loan was made, or of each of the annuitants owning an estate or interest in that land, was to take steps, before the end of the period of 12 months after the day on which it ceased to be so used, with a view to the disposal of his estate or interest,

that condition shall be treated in relation to interest on that loan as continuing to be fulfilled with respect to the land from that time until the end of that period or (if sooner) the abandonment by that person or any of those annuitants of his intention to dispose of his estate or interest.

Status: Point in time view as at 21/07/2009.

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(1B) If it appears to the Board reasonable to do so, having regard to all the circumstances of a particular case, they may direct that in relation to that case subsection (1A) above shall have effect as if for the reference to 12 months there were substituted a reference to such longer period as meets the circumstances of that case.”

^{F4}(4)

(5) This section shall have effect in relation to payments of interest made on or after 16th March 1993 (whenever falling due).

^{F4}(6)

^{F5}(7)

Textual Amendments

- F4** S. 57(1)(2)(4)(6) repealed (27.7.1999 with effect in relation to any payment of interest falling within s. 38(3)(4) of the amending Act) by 1999 c. 16, s. 139, **Sch. 20 Pt. III(7)** Note 4
- F5** S. 57(7) repealed (3.5.1994 with effect in accordance with s. 81(6) of the amending Act) by 1994 c. 9, ss. 81, 258, **Sch. 9 para. 12, Sch. 26 Pt. V(2)** Note

58 Overclaims in respect of deductions of mortgage interest. U.K.

(1) After subsection (6) of section 369 of the Taxes Act 1988 (recovery of amount treated as paid by recipient of interest paid subject to a deduction under that section) there shall be inserted the following subsection—

“(7) The following provisions of the Management Act, namely—

- (a) section 29(3)(c) (excessive relief),
- (b) section 30 (tax repaid in error etc.),
- (c) section 88 (interest), and
- (d) section 95 (incorrect return or accounts),

shall apply in relation to an amount which is paid to any person by the Board as an amount recoverable in accordance with regulations made by virtue of subsection (6) above but to which that person is not entitled as if it were income tax which ought not to have been repaid and, where that amount was claimed by that person, as if it had been repaid as a relief which was not due.”

(2) This section shall not apply in relation to any payment if the payment, or the claim on which it is made, was made before the day on which this Act is passed.

^{F6}59 Interest payments to persons not ordinarily resident in UK. U.K.

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Textual Amendments

- F6** S. 59 repealed (6.4.2007) by **Income Tax Act 2007 (c. 3)**, s. 1034(1), **Sch. 3 Pt. 1** (with **Sch. 2**)

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^{F7}60 **U.K.**

Textual Amendments

F7 S. 60 repealed (1.10.2002) by 2002 c. 23, s. 141, **Sch. 40 Pt. 3(10)**, note 2

Interest etc. on debts between associated companies

^{F8}61 **U.K.**

Textual Amendments

F8 S. 61 repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)** Note

^{F9}62 **U.K.**

Textual Amendments

F9 S. 62 repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)** Note

^{F10}62A **U.K.**

Textual Amendments

F10 S. 62A repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)** Note

^{F11}63 **U.K.**

Textual Amendments

F11 S. 63 repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)** Note

^{F12}64 **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F12 S. 64 repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)** Note (with Sch. 15 para. 19(3))

Modifications etc. (not altering text)

C1 S. 64 amended (27.7.1999 with application as mentioned in s. 67(8) of the amending Act) by 1999 c. 16, s. 67(4)(8)

F13 **65** **U.K.**

Textual Amendments

F13 S. 65 repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)** Note (with Sch. 15 para. 20(2))

Modifications etc. (not altering text)

C2 S. 65 amended (27.7.1999 with application as mentioned in s. 67(8) of the amending Act) by 1999 c. 16, s. 67(4)(8)

F14 **66** **U.K.**

Textual Amendments

F14 S. 66 repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)** Note

Charitable donations

67 **Donations from companies and individuals.** **U.K.**

- (1) In section 339 of the Taxes Act 1988 (charges on income: donations to charity) in subsection (3A) (payment by close company not a qualifying donation if less than £400 after deducting income tax) for “£400” there shall be substituted “ £250 ”.
- (2) In section 25 of the ^{M1}Finance Act 1990 (donations to charity by individuals) in subsection (2)(g) (gift must be not less than £400 to be a qualifying donation) for “£400” there shall be substituted “ £250 ”.
- (3) Subsection (1) above shall apply in relation to payments made on or after 16th March 1993.
- (4) Subsection (2) above shall apply in relation to gifts made on or after 16th March 1993.

Marginal Citations

M1 1990 c. 29.

Status: Point in time view as at 21/07/2009.

*Changes to legislation: There are currently no known outstanding effects
 for the Finance Act 1993, Part II. (See end of Document for details)*

F1568 Payroll deduction schemes. U.K.

Textual Amendments

F15 S. 68 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with [Sch. 7](#))

F1669 Contributions to agent's expenses. U.K.

Textual Amendments

F16 S. 69 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with [Sch. 2 Pts. 1, 2](#))

Benefits in kind

70 Car benefits: 1993-94. U.K.

(1) In Schedule 6 to the Taxes Act 1988 (taxation of directors and others in respect of cars) for Part I (tables of flat rate cash equivalents) there shall be substituted—

“PART I U.K.

TABLES OF FLAT RATE CASH EQUIVALENTS

Table A

*CARS WITH AN ORIGINAL MARKET VALUE UP
 TO £19,250 AND HAVING A CYLINDER CAPACITY*

<i>Cylinder capacity of car in cubic centimetres</i>	<i>Age of car at end of relevant year of assessment</i>	
	<i>Under 4 years</i>	<i>4 years or more</i>
1,400 or less	£2,310	£1,580
More than 1,400 but not more than 2,000	£2,990	£2,030
More than 2,000	£4,800	£3,220

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Table B

*CARS WITH AN ORIGINAL MARKET VALUE UP TO
£19,250 AND NOT HAVING A CYLINDER CAPACITY*

<i>Original market value of car</i>	<i>Age of car at end of relevant year of assessment</i>	
	Under 4 years	4 years or more
Less than £6,000	£2,310	£1,580
£6,000 or more but less than £8,500	£2,990	£2,030
£8,500 or more but not more than £19,250	£4,800	£3,220

Table C

CARS WITH AN ORIGINAL MARKET VALUE OF MORE THAN £19,250

<i>Original market value of car</i>	<i>Age of car at end of relevant year of assessment</i>	
	Under 4 years	4 years or more
More than £19,250 but not more than £29,000	£6,210	£4,180
More than £29,000	£10,040	£6,660 ²

(2) This section shall have effect for the year 1993-94.

71 Car fuel: 1993-94. U.K.

(1) In section 158 of the Taxes Act 1988 (car fuel) for the Tables in subsection (2) (tables of cash equivalents) there shall be substituted—

“TABLE A

<i>Cylinder capacity of car in cubic centimetres</i>	<i>Cash equivalent</i>
1,400 or less	£600
More than 1,400 but not more than 2,000	£760
More than 2,000	£1,130

TABLE AB

<i>Cylinder capacity of car in cubic centimetres</i>	<i>Cash equivalent</i>
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2,000 or less	£550
More than 2,000	£710

TABLE B

<i>Original market value of car</i>	<i>Cash equivalent</i>
Less than £6,000	£600
£6,000 or more but less than £8,500	£760
£8,500 or more	£1,130”

(2) In subsection (5) of that section (reductions in cash equivalents) the words “or 3” shall be omitted.

(3) This section shall have effect for the year 1993-94.

72 Car and car fuel benefits: 1994-95 onwards. U.K.

Schedule 3 to this Act (which contains provisions, having effect for the year 1994-95 and subsequent years of assessment, about cars available for private use and car fuel) shall have effect.

F1773 Vans. U.K.

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Textual Amendments

F17 Ss. 73-76 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with Sch. 7)

F1774 Heavier commercial vehicles. U.K.

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Textual Amendments

F17 Ss. 73-76 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with Sch. 7)

F1775 Sporting and recreational facilities. U.K.

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Textual Amendments

F17 Ss. 73-76 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 8 Pt. 1** (with Sch. 7)

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F1776 Removal expenses and benefits. U.K.

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Textual Amendments

F17 Ss. 73-76 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

Taxation of distributions etc.

77 Application of lower rate. U.K.

F18(1)

F18(2)

F19(3)

(4) In section 421(1) of that Act (taxation of borrower where loan under section 419 released)—

- (a) in paragraph (a), after “tax” there shall be inserted “ at the lower rate ”;
- (b) in paragraph (b), for “basic rate” there shall be substituted “ lower rate ”; and
- (c) in paragraph (c), for the words from “which is not” to “that paragraph” there shall be substituted “ to which (without prejudice to paragraph (b) above) section 207A shall be taken to apply as it applies to income chargeable under Schedule F, but, notwithstanding the preceding provisions of this subsection ”.

(5) This section shall apply in relation to the year 1993-94 and subsequent years of assessment.

Textual Amendments

F18 S. 77(1)(2) repealed (29.4.1996 with effect in accordance with s. 73 and [Sch. 6](#) of the amending Act) by [1996 c. 8](#), s. 205, [Sch. 41 Pt. V\(1\)](#) Note 1

F19 S. 77(3) repealed (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 3](#) (with [Sch. 2](#))

F2078 U.K.

Textual Amendments

F20 S. 78 repealed (31.7.1998 with effect in accordance with Sch. 3 of the repealing Act) by [1998 c. 36](#), s. 165, [Sch. 27 Pt. III\(2\)](#), Note

79 Provisions supplemental to sections 77 and 78. U.K.

(1) Schedule 6 to this Act (which makes further provision for the purposes of and in connection with the provisions of sections 77 and 78 above) shall have effect.

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- (2) Subject to that Schedule, subsection (3) of section 687 of the Taxes Act 1988 (definition of pool for the purposes of payments under discretionary trusts) shall have effect, and be deemed always to have had effect, as if—
- (a) the repeal of paragraph (b) which was made by Part V of Schedule 17 to the ^{M2}Finance Act 1989 in relation to accounting periods beginning after 31st March 1989 had been confined to the following words in that paragraph, that is to say, “under section 462(2) as applied by section 686(4) or”; and
 - ^{F21}(b)
 - ^{F22}(3)

Textual Amendments

F21 S. 79(2)(b) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

F22 S. 79(3) repealed (29.4.1996 with effect in accordance with s. 73 and [Sch. 6](#) of the amending Act) by [1996 c. 8](#), s. 205, [Sch. 41 Pt. V\(1\)](#) Note 1

Marginal Citations

M2 [1989 c. 26](#).

^{F23}**80** **Transitional relief for charities etc.** U.K.

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Textual Amendments

F23 S. 80 repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 355](#), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

^{F24}**81** U.K.

Textual Amendments

F24 S. 81 repealed (31.7.1998 with effect in accordance with Sch. 3 of the repealing Act) by [1998 c. 36](#), s. 165, [Sch. 27 Pt. III\(2\)](#), Note

Chargeable gains

82 **Annual exempt amount for 1993-94.** U.K.

For the year 1993-94 section 3 of the ^{M3}Taxation of Chargeable Gains Act 1992 (annual exempt amount) shall have effect as if the amount specified in subsection (2) were £5,800, and accordingly subsection (3) of that section (indexation) shall not apply for that year.

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Marginal Citations

M3 1992 c. 12.

83 Annual exempt amount: indexation for 1994-95 onwards. U.K.

- (1) In section 3(3) of the ^{M4}Taxation of Chargeable Gains Act 1992 (indexation of annual exempt amount) for “December” (in each place) there shall be substituted “September”.
- (2) This section shall have effect for the year 1994-95 and subsequent years of assessment.

Marginal Citations

M4 1992 c. 12.

84 Re-organisations etc. involving debentures. U.K.

- (1) In section 117 of the Taxation of Chargeable Gains Act 1992 (meaning of qualifying corporate bond), after subsection (6) there shall be inserted the following subsection—
 - “(6A) For the purposes of this section “corporate bond” also includes, except in relation to a person who acquires it on or after a disposal in relation to which section 115 has or has had effect in accordance with section 116(10)(c), any debenture issued on or after 16th March 1993 which is not a security (as defined in section 132) but—
 - (a) is issued in circumstances such that it would fall by virtue of section 251(6) to be treated for the purposes of section 251 as such a security; and
 - (b) would be a corporate bond if it were a security as so defined.”
- (2) In section 251 of that Act (general provisions in relation to debts), after subsection (5) there shall be inserted the following subsection—
 - “(6) For the purposes of this section a debenture issued by any company on or after 16th March 1993 shall be deemed to be a security (as defined in section 132) if—
 - (a) it is issued on a reorganisation (as defined in section 126(1)) or in pursuance of its allotment on any such reorganisation;
 - (b) it is issued in exchange for shares in or debentures of another company and in a case unaffected by section 137 where one or more of the conditions mentioned in paragraphs (a) to (c) of section 135(1) is satisfied in relation to the exchange;
 - (c) it is issued under any such arrangements as are mentioned in subsection (1)(a) of section 136 and in a case unaffected by section 137 where section 136 requires shares or debentures in another company to be treated as exchanged for, or for anything that includes, that debenture; or
 - (d) it is issued in pursuance of rights attached to any debenture issued on or after 16th March 1993 and falling within paragraph (a), (b) or (c) above.”

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- (3) This section shall have effect in relation to any chargeable period ending on or after 16th March 1993 but, in relation to any accounting period of a company which began before 6th April 1992, this section shall have effect as if the references in this section, and in the amendments made by this section, to provisions of the Taxation of Chargeable Gains Act 1992 were references to such of the provisions of the ^{M5}Capital Gains Tax Act 1979 and the ^{M6}Finance Act 1984 as correspond to those provisions and have effect in relation to that accounting period.

Marginal Citations

M5 1979 c. 14.

M6 1984 c. 43.

85 Personal equity plans. **U.K.**

After subsection (3) of section 151 of the Taxation of Chargeable Gains Act 1992 (personal equity plans) there shall be inserted the following subsection—

“(4) Regulations under this section may include provision which, for cases where a person subscribes to a plan by transferring or renouncing shares or rights to shares—

- (a) modifies the effect of this Act in relation to their acquisition and their transfer or renunciation; and
- (b) makes consequential modifications of the effect of this Act in relation to anything which (apart from the regulations) would have been regarded on or after their acquisition as an indistinguishable part of the same asset.”

86 Roll-over relief. **U.K.**

- (1) In section 155 of the ^{M7}Taxation of Chargeable Gains Act 1992 (classes of assets for the purposes of roll-over relief), after Class 5 there shall be inserted—

“CLASS 6 U.K.

Ewe and suckler cow premium quotas (that is, rights in respect of any ewes or suckler cows to receive payments by way of any subsidy entitlement to which is determined by reference to limits contained in a Community instrument).”

- (2) The Treasury may by order made by statutory instrument amend that section so as to add one or more further classes of assets to the classes specified in that section.

Any such order may make such consequential amendments [^{F25}of—

- (a) Schedule 7AB to the Taxation of Chargeable Gains Act 1992, or
- (b) paragraph 132 of Schedule 29 to the Finance Act 2002,

as appear to the Treasury to be appropriate.]

- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of the House of Commons.

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- (4) Subsection (1) above shall apply where the disposal of the old assets (or an interest in them) or the acquisition of the new assets (or an interest in them) is on or after 1st January 1993; but, in relation to any accounting period of a company which began before 6th April 1992, subsection (1) above shall have effect as if the inserted class were numbered 5 and were inserted after Class 4 in section 118 of the ^{M8}Capital Gains Tax Act 1979.

Textual Amendments

F25 Words in s. 86(2) substituted (20.7.2005) by [Finance \(No. 2\) Act 2005 \(c. 22\), s. 41\(5\)](#)

Marginal Citations

M7 1992 c. 12.

M8 1979 c. 14.

87 Relief on retirement or re-investment. U.K.

- (1) Schedule 7 to this Act (which amends the provisions of the Taxation of Chargeable Gains Act 1992 with respect to retirement relief and makes new provision in relation to relief on the re-investment of certain gains) shall have effect.
- (2) This section and that Schedule shall have effect in relation to any disposal made on or after 16th March 1993.

88 Restriction on set-off of pre-entry losses. U.K.

- (1) After section 177 of the Taxation of Chargeable Gains Act 1992 there shall be inserted the following section—

“177A Restriction on set-off of pre-entry losses.

Schedule 7A to this Act (which makes provision in relation to losses accruing to a company before the time when it becomes a member of a group of companies and losses accruing on assets held by any company at such a time) shall have effect.”

- (2) The Schedule set out in Schedule 8 to this Act shall be inserted after Schedule 7 to that Act.
- (3) This section and that Schedule—
- shall apply for the calculation of the amount to be included in respect of chargeable gains in a company’s total profits for any accounting period ending on or after 16th March 1993; but
 - shall so apply only in relation to the deduction from chargeable gains accruing on or after 16th March 1993 of amounts in respect of, or of amounts carried forward in respect of—
 - pre-entry losses accruing before it became a member of the relevant group to a company whose membership of that group began or begins at a time on or after 1st April 1987; and
 - losses accruing on the disposal of any assets so far as it is by reference to such a company that the assets fall to be treated as being or having

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been pre-entry assets or assets incorporating a part referable to pre-entry assets.

- (4) In relation to accounting periods beginning before 6th April 1992 this section and that Schedule shall have effect as if—
- (a) the section and Schedule inserted by subsections (1) and (2) above were inserted in the ^{M9}Capital Gains Tax Act 1979; and
 - (b) references in the Schedule so inserted to provisions of the ^{M10}Taxation of Chargeable Gains Act 1992 were references to such of the provisions of that Act of 1979 or of any other enactment as correspond to the provisions referred to and have effect in relation to that accounting period.

Marginal Citations

- M9** 1979 c. 14.
- M10** 1992 c. 12.

89 De-grouping charges. U.K.

- (1) In section 179(4) of the Taxation of Chargeable Gains Act 1992 (time at which de-grouping charges accrue), for the words from “as follows” onwards there shall be substituted “at whichever is the later of the following, that is to say—
- (a) the time immediately after the beginning of the accounting period of that company in which or, as the case may be, at the end of which the company ceases to be a member of the group; and
 - (b) the time when under subsection (3) above it is treated as having reacquired the asset;

and subsection (2) of section 409 of the Taxes Act (group relief) shall require any apportionment under that subsection to be made accordingly but shall not require any reference in this subsection to an accounting period to have effect for any of the purposes specified in subsection (3) of that section as a reference to any accounting period other than a true accounting period.”

- (2) This section shall have effect in relation to accounting periods ending after the day appointed for the purposes of section 180(1)(b) of that Act.

F2690 U.K.

Textual Amendments

- F26** S. 90 repealed (28.7.2000 with effect as mentioned in Sch. 40 Pt. II(12), note 10 of the amending Act) by 2000 c. 17, s. 156, Sch. 40 Pt. II(12)

91 Deemed disposals of unit trusts by insurance companies. U.K.

- (1) Section 212 of the Taxation of Chargeable Gains Act 1992 (annual deemed disposal by insurance companies of unit trusts) shall have effect in relation to accounting periods beginning on or after 1st January 1993; and neither that section nor section 46 of the ^{M11}Finance Act 1990 (which is consolidated in that section) shall have effect in relation

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to any earlier accounting period in relation to which either of them would have applied apart from this subsection.

- (2) In relation to any accounting period beginning on or after 1st January 1993—
- (a) section 432A of the Taxes Act 1988 shall have effect with the omission of subsection (10) (which disapplies the apportionment rules in that section in the case of a deemed disposal under section 212 of that Act of 1992); and
 - (b) that section 212 shall have effect with the omission, in subsection (2), of the words from “and in relation to” onwards and of subsections (3), (4) and (6) (which provide for a different apportionment rule in the case of the deemed disposal).
- (3) In subsection (7) of that section 212, in the words after paragraph (b) (application of definitions in the Taxes Act 1988), for “and 214” there shall be substituted “to 214A”.
- (4) After section 213(1) of that Act of 1992 (spreading of gains and losses), there shall be inserted the following subsection—

“(1A) Subsection (1) above shall not apply to chargeable gains or allowable losses except so far as they are gains or losses which—

- (a) are referable to basic life assurance and general annuity business; or
- (b) would (apart from that subsection) be taken into account in computing the profits of any business treated as a separate business under section 458 of the Taxes Act;

and that subsection shall apply separately in relation to the gains and losses falling within paragraph (a) above and those falling within paragraph (b) above for the purpose of determining what chargeable gains or allowable losses so referable are to be treated as accruing under that subsection and what chargeable gains or allowable losses to be so taken into account are to be treated as so accruing.”

^{F27}(5)

^{F28}(6)

Textual Amendments

F27 S. 91(5) repealed (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [Sch. 27 Pt. 2\(10\)](#)

F28 S. 91(6) repealed (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [Sch. 27 Pt. 2\(10\)](#)

Marginal Citations

M11 1990 c. 29.

^{F29} *Corporation tax: currency*

Textual Amendments

F29 Ss. 92-92E substituted for ss. 92-94AB (with effect in accordance with s. 52(3) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 10 para. 77](#)

Status: Point in time view as at 21/07/2009.

*Changes to legislation: There are currently no known outstanding effects
 for the Finance Act 1993, Part II. (See end of Document for details)*

92 The basic rule: sterling to be used **U.K.**

- (1) For the purposes of corporation tax the profits of a company for an accounting period must be computed and expressed in sterling.
- (2) The following sections contain further provision as to the application of subsection (1) to certain profits or losses falling to be computed in accordance with generally accepted accounting practice—
 - section 92A (company operating in sterling and preparing accounts in another currency);
 - section 92B (company operating in currency other than sterling and preparing accounts in another currency);
 - section 92C (company preparing accounts in currency other than sterling).
 - [^{F30}section 92D (sterling equivalents: the basic rule);
 - sections 92DA and 92DB (sterling equivalents: special rules where amounts carried back or forward);
 - sections 92DC and 92DD (adjustment of sterling amounts carried back or forward where operating currency changes).]

Textual Amendments

F30 Words in s. 92(2) inserted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by Finance Act 2009 (c. 10), **Sch. 18 para. 2** (with Sch. 18 paras. 8-13)

92A Company operating in sterling and preparing accounts in another currency **U.K.**

- (1) This section applies if, for a period of account, in accordance with generally accepted accounting practice, a company resident in the United Kingdom—
 - (a) prepares its accounts in a currency other than sterling, and
 - (b) in those accounts identifies sterling as its functional currency.
- (2) Profits or losses of the company for the period that fall to be computed in accordance with generally accepted accounting practice for corporation tax purposes must be computed in sterling as if the company prepared its accounts in sterling.

92B Company operating in currency other than sterling and preparing accounts in another currency **U.K.**

- (1) This section applies if, for a period of account, in accordance with generally accepted accounting practice—
 - (a) a company resident in the United Kingdom prepares its accounts in one currency,
 - (b) in those accounts it identifies another currency as its functional currency, and
 - (c) that currency is not sterling.
- (2) Profits or losses of the company for the period that fall to be computed in accordance with generally accepted accounting practice for corporation tax purposes must be computed in sterling by—
 - (a) computing those profits or losses in the functional currency as if the company prepared its accounts in that currency, and

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Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

- (b) taking the sterling equivalent of those profits or losses.
- (3) Where this section applies, it shall be assumed that any sterling amount mentioned in the Corporation Tax Acts is its equivalent expressed in the functional currency of the company.
- [^{F31}(4) Where, for the purposes of computing the profits or losses of the company arising in an accounting period, an amount expressed in sterling is required by subsection (3) to be translated into its equivalent expressed in another currency, it must be translated by reference to the appropriate exchange rate.]

Textual Amendments

- F31** S. 92B(4) inserted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 3](#) (with [Sch. 18 paras. 8-13](#))

92C Company preparing accounts in currency other than sterling **U.K.**

- (1) This section applies in relation to a company resident in the United Kingdom if, for a period of account—
- the company prepares its accounts in a currency other than sterling (the “accounts currency”), and
 - neither section 92A nor section 92B applies.
- (2) This section also applies in relation to a company that is not resident in the United Kingdom if, for a period of account, the company prepares its return of accounts in a currency other than sterling (the “accounts currency”).
- (3) Profits or losses of the company for the period that fall to be computed in accordance with generally accepted accounting practice for corporation tax purposes must be computed in sterling by—
- computing those profits or losses in the accounts currency, and
 - taking the sterling equivalent of those profits or losses.
- (4) Where this section applies, it shall be assumed that any sterling amount mentioned in the Corporation Tax Acts is its equivalent expressed in the accounts currency of the company.
- [^{F32}(5) Where, for the purposes of computing the profits or losses of the company arising in an accounting period, an amount expressed in sterling is required by subsection (4) to be translated into its equivalent expressed in another currency, it must be translated by reference to the appropriate exchange rate.]

Textual Amendments

- F32** S. 92C(5) inserted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 4](#) (with [Sch. 18 paras. 8-13](#))

Status: Point in time view as at 21/07/2009.

*Changes to legislation: There are currently no known outstanding effects
 for the Finance Act 1993, Part II. (See end of Document for details)*

[^{F33}92D Sterling equivalents: the basic rule U.K.]

- (1) This section applies where, for the purposes of computing the profits or losses of a company arising in an accounting period, a profit or loss is required by section 92B or 92C to be translated into its sterling equivalent.
- (2) The translation must be made by reference to the appropriate exchange rate.
- (3) This section is subject to sections 92DA and 92DB (special rules where translation is for the purpose of computing amounts to be carried back or carried forward to other accounting periods).

Textual Amendments

F33 Ss. 92D-92DE substituted for s. 92D (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 18 para. 5** (with [Sch. 18 paras. 8-13](#))

92DA Sterling equivalents: carried-back amounts U.K.]

- (1) This section applies where, for the purpose of computing a carried-back amount in respect of a company, a loss (“the loss”) is required by section 92B or 92C to be translated into its sterling equivalent.
- (2) The translation must be made in accordance with rule 1, 2 or 3 (whichever is applicable).
- (3) Rule 1 applies if the operating currency of the company in the accounting period in which the loss arises (“the later operating currency”) is the same as the operating currency of the company in the accounting period to which the carried-back amount is to be carried back (“the earlier operating currency”).
- (4) Rule 1 is that the loss must be translated into its sterling equivalent by reference to the same rate of exchange as that at which the profit against which the carried-back amount is to be set off is required to be translated under section 92D.
- (5) Rule 2 applies if—
 - (a) the later operating currency is not the same as the earlier operating currency, and
 - (b) the earlier operating currency is sterling.
- (6) Rule 2 is that the loss must be translated into its sterling equivalent by reference to the spot rate of exchange for the last day of the relevant accounting period.
- (7) Rule 3 applies if—
 - (a) the later operating currency is not the same as the earlier operating currency, and
 - (b) the earlier operating currency is a currency other than sterling.
- (8) Rule 3 is that the loss must be translated into its sterling equivalent by—
 - (a) being translated into the earlier operating currency by reference to the spot rate of exchange for the last day of the relevant accounting period, before
 - (b) being translated into sterling by reference to the same rate of exchange as that at which the profit against which the carried-back amount is to be set off is required to be translated under section 92D.

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Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

- (9) In this section “the relevant accounting period” means the latest accounting period of the company before the accounting period in which the loss arises in which the operating currency of the company is the earlier operating currency.

Textual Amendments

F33 Ss. 92D-92DE substituted for s. 92D (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 5](#) (with [Sch. 18 paras. 8-13](#))

92DB Sterling equivalents: carried-forward amounts **U.K.**

- (1) This section applies where, for the purpose of computing a carried-forward amount in respect of a company, a loss (“the loss”) is required by section 92B or 92C to be translated into its sterling equivalent.
- (2) The translation must be made in accordance with rule 1, 2 or 3 (whichever is applicable).
- (3) Rule 1 applies if the operating currency of the company in the accounting period in which the loss arises (“the earlier operating currency”) is the same as the operating currency of the company in the accounting period to which the carried-forward amount is to be carried forward (“the later operating currency”).
- (4) Rule 1 is that the loss must be translated into its sterling equivalent by reference to the same rate of exchange as that at which the profit against which the carried-forward amount is to be set off is required to be translated under section 92D.
- (5) Rule 2 applies if—
 - (a) the earlier operating currency is not the same as the later operating currency, and
 - (b) the later operating currency is sterling.
- (6) Rule 2 is that the loss must be translated into its sterling equivalent by reference to the spot rate of exchange for the first day of the relevant accounting period.
- (7) Rule 3 applies if—
 - (a) the earlier operating currency is not the same as the later operating currency, and
 - (b) the later operating currency is a currency other than sterling.
- (8) Rule 3 is that the loss must be translated into its sterling equivalent by—
 - (a) being translated into the later operating currency by reference to the spot rate of exchange for the first day of the relevant accounting period, before
 - (b) being translated into sterling by reference to the same rate of exchange as that at which the profit against which the carried-forward amount is to be set off is required to be translated under section 92D.
- (9) In this section “the relevant accounting period” means the earliest accounting period of the company after the accounting period in which the loss arises in which the operating currency of the company is the later operating currency.

Status: Point in time view as at 21/07/2009.

*Changes to legislation: There are currently no known outstanding effects
 for the Finance Act 1993, Part II. (See end of Document for details)*

Textual Amendments

F33 Ss. 92D-92DE substituted for s. 92D (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 18 para. 5** (with [Sch. 18 paras. 8-13](#))

92DC Adjustment of sterling losses: carried-back amounts **U.K.**

- (1) This section applies if conditions A to C are met.
- (2) Condition A is that, in accordance with generally accepted accounting practice, a company resident in the United Kingdom—
 - (a) prepares its accounts for a period of account in sterling, or
 - (b) prepares its accounts for a period of account in a currency other than sterling and in those accounts identifies sterling as its functional currency.
- (3) Condition B is that a loss of the company for the period that falls to be computed in accordance with generally accepted accounting practice for corporation tax purposes (“the loss”) is to be a carried-back amount.
- (4) Condition C is that the operating currency of the company in the accounting period to which the loss is to be carried back (“the earlier operating currency”) is a currency other than sterling.
- (5) The loss must be adjusted by—
 - (a) being translated into the earlier operating currency by reference to the spot rate of exchange for the last day of the relevant accounting period, before
 - (b) being translated into sterling by reference to the same rate of exchange as that at which the profit against which the carried-back amount is to be set off is required to be translated under section 92D.
- (6) In this section “the relevant accounting period” means the latest accounting period of the company before the accounting period in which the loss arises in which the operating currency of the company is the earlier operating currency.

Textual Amendments

F33 Ss. 92D-92DE substituted for s. 92D (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 18 para. 5** (with [Sch. 18 paras. 8-13](#))

92DD Adjustment of sterling losses: carried-forward amounts **U.K.**

- (1) This section applies if conditions A to C are met.
- (2) Condition A is that, in accordance with generally accepted accounting practice, a company resident in the United Kingdom—
 - (a) prepares its accounts for a period of account in sterling, or
 - (b) prepares its accounts for a period of account in a currency other than sterling and in those accounts identifies sterling as its functional currency.
- (3) Condition B is that a loss of the company for the period that falls to be computed in accordance with generally accepted accounting practice for corporation tax purposes (“the loss”) is to be a carried-forward amount.

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- (4) Condition C is that the operating currency of the company in the accounting period to which the loss is to be carried forward (“the later operating currency”) is a currency other than sterling.
- (5) The loss must be adjusted by—
 - (a) being translated into the later operating currency by reference to the spot rate of exchange for the first day of the relevant accounting period, before
 - (b) being translated into sterling by reference to the same rate of exchange as that at which the profit against which the carried-forward amount is to be set off is required to be translated under section 92D.
- (6) In this section “the relevant accounting period” means the earliest accounting period of the company after the accounting period in which the loss arises in which the operating currency of the company is the later operating currency.

Textual Amendments

F33 Ss. 92D-92DE substituted for s. 92D (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 5](#) (with [Sch. 18 paras. 8-13](#))

92DE Meaning of “carried-back amount” and “carried-forward amount” **U.K.**

- (1) In sections 92DA and 92DC “carried-back amount” means—
 - (a) an amount carried back under section 393A(1)(b) of the Taxes Act 1988 (trading losses),
 - (b) an amount carried back by virtue of a claim under section 459(1)(b) of the Corporation Tax Act 2009 (non-trading deficits from loan relationships), or
 - (c) an amount carried back under section 389(2) of the Corporation Tax Act 2009 (deficits of insurance companies).
- (2) In sections 92DB and 92DD “carried-forward amount” means—
 - (a) an amount carried forward under section 76(12) or (13) of the Taxes Act 1988 (certain expenses of insurance companies),
 - (b) an amount carried forward under section 392A(2) or (3) of the Taxes Act 1988 (UK property business losses),
 - (c) an amount carried forward under section 392B(1)(b) of the Taxes Act 1988 (overseas property business losses),
 - (d) an amount carried forward under section 393(1) of the Taxes Act 1988 (trading losses),
 - (e) an amount carried forward under section 396(1) of the Taxes Act 1988 (losses from miscellaneous transactions),
 - (f) an amount carried forward under section 436A(4) of the Taxes Act 1988 (insurance companies: losses from gross roll-up business),
 - (g) an amount carried forward under section 391(2) of the Corporation Tax Act 2009 (deficits of insurance companies),
 - (h) an amount carried forward under section 457(3) of the Corporation Tax Act 2009 (non-trading deficits from loan relationships),
 - (i) an amount carried forward under section 753(3) of the Corporation Tax Act 2009 (non-trading loss on intangible fixed assets),

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- (j) an amount carried forward under section 925(3) of the Corporation Tax Act 2009 (patent income: relief for expenses), or
 - (k) an amount carried forward under section 1223 of the Corporation Tax Act 2009 (expenses of management and other amounts).
- (3) References in sections 92DB and 92DD to the profit against which a carried-forward amount is to be set off are, in the case of a carried-forward amount to which this subsection applies, to the profit in computing which the amount is deductible, disregarding the deduction.
- (4) Subsection (3) applies to a carried-forward amount that is treated as arising in an accounting period later than that in which it in fact arises, and is accordingly deductible in computing a profit for the later period.]

Textual Amendments

F33 Ss. 92D-92DE substituted for s. 92D (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 5](#) (with [Sch. 18 paras. 8-13](#))

92E ^[F34] Interpretation of sections 92A to 92DD] **U.K.**

^[F35](A1) This section applies for the purposes of sections 92A to 92DD.]

- (1) References ^{F36}... to the “accounts” of a company resident in the United Kingdom are to—
- (a) the annual accounts of the company required by ^[F37]Part 15 of the Companies Act 2006]; or
 - (b) if the company is not required to prepare such accounts, the accounts which it is required to keep under the law of the country or territory under whose laws the company is incorporated; or
 - (c) if the company is not so required to keep accounts, such of its accounts as most closely correspond to accounts which it would have been required to prepare if the provisions of ^[F38]Part 15 of the Companies Act 2006] applied to it.
- (2) ^[F39]A reference] to the “return of accounts” of a company not resident in the United Kingdom is to a return of such accounts of its permanent establishment in the United Kingdom as may be required by the Inland Revenue under paragraph 3 of Schedule 18 to the Finance Act 1998 (company tax returns).
- (3) References ^{F40}... to a company’s “functional currency” are to the currency of the primary economic environment in which the company operates.
- ^[F41](4) References to “the appropriate exchange rate”, in relation to the translation of an amount for the purposes of computing the profits or losses of a company arising in an accounting period, are to—
- (a) the average exchange rate for the accounting period, or
 - (b) where the amount to be translated relates to a single transaction, an appropriate spot rate of exchange for the transaction, or
 - (c) where the amount to be translated relates to more than one transaction, a rate of exchange derived on a just and reasonable basis from appropriate spot rates of exchange for those transactions.

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- (5) References to the “operating currency” of a company in an accounting period are to the currency in which profits or losses of that company arising in that accounting period that fall to be computed in accordance with generally accepted accounting practice for corporation tax purposes are required to be computed by virtue of section 92(1), 92A(2), 92B(2)(a) or 92C(3)(a).]]

Textual Amendments

- F34** S. 92E heading substituted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 6\(7\)](#) (with [Sch. 18 paras. 8-13](#))
- F35** S. 92E(A1) inserted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 6\(2\)](#) (with [Sch. 18 paras. 8-13](#))
- F36** Words in s. 92E(1) omitted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 6\(3\)](#) (with [Sch. 18 paras. 8-13](#))
- F37** Words in s. 92E(1)(a) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2008 \(S.I. 2008/954\)](#), arts. 1(1), [19\(a\)](#) (with art. 4)
- F38** Words in s. 92E(1)(c) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2008 \(S.I. 2008/954\)](#), arts. 1(1), [19\(b\)](#) (with art. 4)
- F39** Words in s. 92E(2) substituted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 6\(4\)](#) (with [Sch. 18 paras. 8-13](#))
- F40** Words in s. 92E(3) omitted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 6\(5\)](#) (with [Sch. 18 paras. 8-13](#))
- F41** S. 92E(4)(5) inserted (with effect in accordance with Sch. 18 para. 7 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 18 para. 6\(6\)](#) (with [Sch. 18 paras. 8-13](#))

^{F42}95 **U.K.**

Textual Amendments

- F42** Ss. 92-94 substituted (28.7.2000 with effect as mentioned in 105(2)-(5) of the amending Act) for ss. 92-95 by [2000 c. 17](#), [s. 105\(1\)](#)

[^{F43}96 **Foreign companies: trading currency.** **U.K.**

- (1) In Schedule 24 to the Taxes Act 1988 (assumptions for calculating chargeable profits, creditable tax and corresponding United Kingdom tax of foreign companies) the following paragraph shall be inserted after paragraph 4—

“4A (1) Sub-paragraph (2) below applies where—
(a) the company carries on a trade, and
(b) the currency used in the accounts of the company for an accounting period is a currency other than sterling.

- (2) It shall be assumed that by virtue of regulations under section 93 of the Finance Act 1993 (corporation tax: currency to be used) the basic profits or losses of the trade for the accounting period are to be computed and

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Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

expressed for the purposes of corporation tax in the currency used in the accounts of the company for the period.

- (3) References in this paragraph to the accounts of a company—
 - (a) are to the accounts which the company is required by the law of its home State to keep, or
 - (b) if the company is not required by the law of its home State to keep accounts, are to the accounts of the company which most closely correspond to the individual accounts which companies formed and registered under the ^{M12}Companies Act 1985 are required by that Act to keep;
 and for the purposes of this paragraph the home State of a company is the country or territory under whose law the company is incorporated.
- (4) The reference in sub-paragraph (2) above to the basic profits or losses of the trade for the accounting period shall be construed in accordance with section 93 of the Finance Act 1993.”

(2) This section applies in relation to any accounting period beginning on or after the day appointed under section 165(7)(b) below.]

Textual Amendments
F43 S. 96 repealed (*retrospectively*) by 1995 c. 4, s. 162, **Sch. 29 Pt. VIII(18)**, Note

Marginal Citations
M12 1985 c. 6.

Overseas life insurance companies

F44⁹⁷ Modification of Taxes Act 1988. U.K.

.....

Textual Amendments
F44 S. 97 repealed (with effect in accordance with reg. 1 of the amending S.I.) by [The Overseas Life Insurance Companies Regulations 2006 \(S.I. 2006/3271\)](#), reg. 1, **Sch. Pt. 1**

F45⁹⁸ Modification of section 440 of Taxes Act 1988. U.K.

.....

Textual Amendments
F45 S. 98 repealed (with effect in accordance with reg. 1 of the amending S.I.) by [The Overseas Life Insurance Companies Regulations 2006 \(S.I. 2006/3271\)](#), reg. 1, **Sch. Pt. 1**

F46⁹⁹ U.K.

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F46 S. 99 repealed (1.5.1995 with effect in accordance with Sch. 8 para. 57 of the repealing Act) by 1995 c. 4, s. 162, **Sch. 29 Pt. VIII(5)**, Note 2

100 Income from investments attributable to BLAGAB, etc. U.K.

^{F47}(1)

(2) In section 475 of that Act (tax-free Treasury securities: exclusion of interest on borrowed money), in subsection (6)—

^{F47}(a)

(b) for the words “of the life assurance fund”, in each place where they occur, there shall be substituted the words “attributable to basic life assurance and general annuity business”.

(3) This section shall apply in relation to accounting periods beginning after 31st December 1992.

Textual Amendments

F47 S. 100(1)(2)(a) repealed (1.5.1995 with effect in accordance with Sch. 8 para. 57 of the repealing Act) by 1995 c. 4, s. 162, **Sch. 29 Pt. VIII(5)**, Note 2

^{F48}101 Modification of Finance Act 1989. U.K.

.....

Textual Amendments

F48 S. 101 repealed (with effect in accordance with reg. 1 of the amending S.I.) by [The Overseas Life Insurance Companies Regulations 2006 \(S.I. 2006/3271\)](#), reg. 1, **Sch. Pt. 1**

^{F49}102 Modification of Taxation of Chargeable Gains Act 1992. U.K.

.....

Textual Amendments

F49 S. 102 repealed (with effect in accordance with reg. 1 of the amending S.I.) by [The Overseas Life Insurance Companies Regulations 2006 \(S.I. 2006/3271\)](#), reg. 1, **Sch. Pt. 1**

103 Amendment of definition and repeals. U.K.

(1) In section 431(2) of the Taxes Act 1988 (definitions), in the definition of “overseas life insurance company” for the words “having its head office outside” there shall be substituted the words “not resident in”.

(2) The following provisions of that Act shall cease to have effect—

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- (a) section 445 (charge to tax on investment income of overseas life insurance company);
- (b) section 446(1) (qualifying distributions part of profits of pension business of overseas life insurance company);
- (c) section 447(1), (2) and (4) (set-off of income tax and tax credits against corporation tax assessed under section 445);
- (d) section 448 (qualifying distributions and tax credits);
- (e) section 449 (double taxation agreements);
- (f) section 724(5) to (8) (special provisions of accrued income scheme for overseas life insurance companies);
- (g) section 811(2)(c) (provision about deduction of foreign tax not to affect overseas life insurance company charged under section 445);
- (h) paragraph 1(9) of Schedule 19AB (payments on account of tax credits in case of pension business: special provision for overseas life insurance companies).

(3) Subject to subsection (4) below, this section shall apply in relation to accounting periods beginning after 31st December 1992.

^{F50}(4)

Textual Amendments

F50 S. 103(4) repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the repealing Act) by 1996 c. 8, s. 205, Sch. 41 Pt. V(3) Note

Approved share option schemes

104 Calculation of consideration. **U.K.**

After section 149 of the ^{M13}Taxation of Chargeable Gains Act 1992 there shall be inserted the following section—

“149A Approved share option schemes.

- (1) This section applies where—
 - (a) an option is granted on or after 16th March 1993,
 - (b) the option consists of a right to acquire shares in a body corporate and is obtained as mentioned in section 185(1) of the Taxes Act (approved share option schemes), and
 - (c) section 17(1) would (apart from this section) apply for the purposes of calculating the consideration for the grant of the option.
- (2) The grantor of the option shall be treated for the purposes of this Act as if section 17(1) did not apply for the purposes of calculating the consideration and, accordingly, as if the amount or value of the consideration was its actual amount or value.
- (3) Where the option is granted wholly or partly in recognition of services or past services in any office or employment, the value of those services shall not be taken into account in calculating the actual amount or value of the consideration.

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Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

(4) The preceding provisions of this section shall not affect the treatment for the purposes of this Act of the person to whom the option is granted.”

Marginal Citations

M13 1992 c. 12.

105 Expenditure on shares. U.K.

^{F51}(1)

^{F51}(2)

(3) In section 32A(5) of the ^{M14}Capital Gains Tax Act 1979 (expenditure: amounts to be included as consideration)—

(a) for the words “section 185(6)” there shall be substituted the words “ the applicable provision ”, and

(b) at the end there shall be inserted “; and in this subsection “the applicable provision” means—

(a) subsection (6) of section 185 of the Taxes Act (as that subsection had effect before the coming into force of section 39(5) of the ^{M15}Finance Act 1991), or

(b) subsection (6A) of that section.”

(4) The ^{M16}amendments made by subsection (3) above shall be deemed to have come into force on 1st January 1992 (but shall have effect subject to the repeals made by the Taxation of Chargeable Gains Act 1992).

Textual Amendments

F51 S. 105(1)(2) repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

Commencement Information

I1 S. 105 in force at Royal Assent. the amendments made by s. 105(1) are deemed always to have had effect, see s. 105(2); the amendments made by S. 105(3) are deemed to have come into force on 1.1.1992, see s. 105(4)

Marginal Citations

M14 1979 c. 14.

M15 1991 c. 31.

M16 1992 c. 12.

Indexation: miscellaneous

^{F52}**106 Earnings cap etc: no indexation in 1993-94. U.K.**

.....

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F52 S. 106 repealed (6.4.2006) by Finance Act 2004 (c. 12), Sch. 42 Pt. 3 (with Sch. 36)

107 Indexation of allowances etc. for 1994-95 onwards. U.K.

- (1) The Taxes Act 1988 shall be amended as mentioned in subsections (2) to (6) below.
- (2) In section 1—
 - (a) in subsection (4) (indexation of income tax bands) for “December” (in each place) there shall be substituted “September”;
 - (b) subsection (5) (no change required for PAYE before 18th May) shall be omitted.
- (3) In section 257C—
 - ^{F53}(a)
 - (b) subsection (2) (no change required for PAYE before 18th May) shall be omitted.
- ^{F54}(4)
- ^{F54}(5)
- ^{F54}(6)
- ^{F54}(7)
- (8) This section shall have effect for the year 1994-95 and subsequent years of assessment.

Textual Amendments

F53 S. 107(3)(a) omitted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by virtue of Finance Act 2009 (c. 10), Sch. 1 para. 6(e)

F54 S. 107(4)-(7) repealed (6.4.2006) by Finance Act 2004 (c. 12), Sch. 42 Pt. 3 (with Sch. 36)

Miscellaneous provisions about reliefs

^{F55}108 Counselling services for employees. U.K.

.....

Textual Amendments

F55 S. 108 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2)

109 Pre-trading expenditure. U.K.

- ^{F56}(1)
- ^{F56}(2)

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

(3) In section 338(5)(b) of that Act (payments not to be treated as charges on income), after “trade” there shall be inserted “ which is or is to be ”.

^{F57}(4)

Textual Amendments

F56 S. 109(1)(2) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F57 S. 109(4) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

^{F58}**110 Waste disposal expenditure. U.K.**

.....

Textual Amendments

F58 S. 110 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

^{F59}**111 Business expansion scheme: loan linked investments. U.K.**

.....

Textual Amendments

F59 S. 111 repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 3 Pt. 2** (with Sch. 2)

^{F60}**112 Employers’ pension contributions. U.K.**

.....

Textual Amendments

F60 S. 112 repealed (6.4.2006) by Finance Act 2004 (c. 12), **Sch. 42 Pt. 3** (with Sch. 36)

Capital allowances

^{F61}**113 U.K.**

Textual Amendments

F61 S. 113 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 580, **Sch. 4**

Status: Point in time view as at 21/07/2009.
*Changes to legislation: There are currently no known outstanding effects
for the Finance Act 1993, Part II. (See end of Document for details)*

F62 **114** **U.K.**

Textual Amendments
F62 S. 114 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 580, Sch. 4

F63 **115** **U.K.**

Textual Amendments
F63 S. 115 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 580, Sch. 4

F64 **116** **U.K.**

Textual Amendments
F64 S. 116 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 580, Sch. 4

F65 **117 Transactions between connected persons etc.** **U.K.**

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Textual Amendments
F65 S. 117 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 580, Sch. 4

Miscellaneous

F66 **118 Scottish trusts.** **U.K.**

.....

Textual Amendments
F66 S. 118 repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 356, Sch. 3 Pt. 1 (with Sch. 2)

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

119 Controlled foreign companies. U.K.

- (1) In section 750(1) of the Taxes Act 1988 (meaning of lower level of taxation for purposes of provisions relating to controlled foreign companies) for “one-half” there shall be substituted “three-quarters”.
- (2) Subsection (1) above shall apply in relation to accounting periods beginning on or after 16th March 1993.
- (3) Where a company is by virtue of section 749(1) or (2) of the Taxes Act 1988 regarded as resident in a territory outside the United Kingdom and (apart from this section)—
 - (a) an accounting period of the company would begin before 16th March 1993 and end on or after that date, and
 - (b) the company would not be considered to be subject, by virtue of section 750(1) of that Act, to a lower level of taxation in that accounting period in the territory in which it is regarded as resident,for the purposes of Chapter IV of Part XVII of that Act that accounting period shall be treated as ending on 15th March 1993.

120 Pay and file: miscellaneous amendments. U.K.

Schedule 14 to this Act (which makes various amendments of the ^{M17}Taxes Management Act 1970, the Taxes Act 1988 and the ^{M18}Finance Act 1989 with a view to, or in connection with, the introduction of “pay and file”) shall have effect.

Marginal Citations

- M17** 1970 c. 9.
M18 1989 c. 26.

^{F67}**121** **U.K.**

Textual Amendments

- F67** S. 121 repealed (11.5.2001 with effect in accordance with s. 87 of the amending Act) by 2001 c. 9, s. 110, Sch. 33 Pt. II(12), note

122 Application of Income Tax Acts etc. to public departments. U.K.

- (1) In subsection (2) of section 829 of the Taxes Act 1988 (restriction on application of Income Tax Acts to public departments), at the end there shall be inserted “ unless it is tax which would not have been so borne but for a failure by a public office or department of the Crown to make a deduction required by virtue of subsection (1) above.”
- (2) The provisions of Parts IX and X of the Taxes Management Act 1970 (interest and penalties) shall apply in relation to public offices and departments of the Crown for the purposes, so far as they so apply, of the other provisions of that Act and of the provisions of the Income Tax Acts mentioned in section 829(1) of the Taxes Act 1988.

Status: Point in time view as at 21/07/2009.

*Changes to legislation: There are currently no known outstanding effects
 for the Finance Act 1993, Part II. (See end of Document for details)*

(3) This section shall have effect in relation to the year 1993-94 and subsequent years of assessment.

^{F68}**123 Expenditure involving crime. U.K.**

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Textual Amendments

F68 S. 123 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))

^{F69}**124 Expenses of Members of Parliament. U.K.**

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Textual Amendments

F69 S. 124 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

CHAPTER II U.K.

EXCHANGE GAINS AND LOSSES

Modifications etc. (not altering text)

- C3** Pt. II Chapter II (ss. 125-170) modified (1.5.1995) by [1988 c. 1, Sch. 24 para. 19\(2\)](#) (as inserted (1.5.1995) by [1995 c. 4, s. 133, Sch. 25 paras. 1, 6\(5\)](#))
 Pt. II Chapter II (ss. 125-170) restricted (31.7.1998) by [1988 c. 1, Sch. 28AA para. 8](#) (as inserted (31.7.1998) by [1998 c. 36, s. 108, Sch. 16 para. 8\(1\)\(a\)](#))
 Pt. II Chapter II (ss. 125-170): power to amend conferred (3.5.1994) by [1994 c. 9, s. 177\(6\)\(b\)](#)
 Pt. II Chapter II (ss. 125-170) excluded (3.5.1994) by [1994 c. 9, ss. 226\(2\), 230](#)
 Pt. II Chapter II (ss. 125-170) modified (19.9.1994) by [1994 c. 21, s. 21, Sch. 4 Pt. I para. 23\(2\)](#) (with s. 40(7)); S.I. 1994/2189, art. 2, [Sch.](#)
 Pt. II Chapter II (ss. 125-170) modified (23.3.1995) by S.I. 1994/3226, [reg. 3\(2\)](#)
 Pt. II Chapter II (ss. 125-170) applied (23.3.1995) by S.I. 1994/3231, [reg. 2\(1\)](#)
 Pt. II Chapter II (ss. 125-170) modified (29.4.1996) by [1996 c. 8, s. 105, Sch. 15 Pt. I para. 22\(1\)](#) (with ss. 80-105)
- C4** Pt. II Chapter II to be construed with [1994 c. 31, Sch. 4 Pt. I para. 23](#) (19.9.1994) by [1994 c. 21, s. 21, Sch. 4 Pt. I para. 23\(5\)](#); S.I. 1994/2189, art. 2, [Sch.](#)

Accrual of gains and losses

^{F70}**125** **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F70 S. 125 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F71} **126** **U.K.**

Textual Amendments

F71 S. 126 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F72} **127** **U.K.**

Textual Amendments

F72 S. 127 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Trading gains and losses

^{F73} **128** **U.K.**

Textual Amendments

F73 S. 128 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Non-trading gains and losses

^{F74} **129** **U.K.**

Textual Amendments

F74 S. 129 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F75} **130** **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F75 S. 130 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Alternative calculation

^{F79} **134** **U.K.**

Textual Amendments

F79 S. 134 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b)(3), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Main benefit test

^{F80} **135** **U.K.**

Textual Amendments

F80 S. 135 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F81} **135A**..... **U.K.**

Textual Amendments

F81 S. 135A repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Arm's length test

^{F82} **136** **U.K.**

Textual Amendments

F82 S. 136 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(1)** Note 2 (with Sch. 23 paras. 25, 26)

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

F83 **136A** **U.K.**

Textual Amendments

F83 S. 136A repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F84 **137** **U.K.**

Textual Amendments

F84 S. 137 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F85 **138** **U.K.**

Textual Amendments

F85 S. 138 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Deferral of unrealised gains

F86 **139** **U.K.**

Textual Amendments

F86 S. 139 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F87 **140** **U.K.**

Textual Amendments

F87 S. 140 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F88 **141** **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F88 S. 141 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F89} **142** **U.K.**

Textual Amendments

F89 S. 142 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F90} **143** **U.K.**

Textual Amendments

F90 S. 143 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Irrecoverable debts

^{F91} **144** **U.K.**

Textual Amendments

F91 S. 144 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F92} **145** **U.K.**

Textual Amendments

F92 S. 145 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Currency contracts: special cases

^{F93} **146** **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F93 S. 146 repealed (27.4.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F94} **147** **U.K.**

Textual Amendments

F94 S. 147 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Excess gains or losses

^{F95} **148** **U.K.**

Textual Amendments

F95 S. 148 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Local currency to be used

^{F96} **149** **U.K.**

Textual Amendments

F96 S. 149 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Exchange rate to be used

^{F97} **150** **U.K.**

Textual Amendments

F97 S. 150 repealed (with effect in relation to the accounting periods beginning on or after 1.10.2002) By 2002 c. 23, ss. 79(1)(b)(3), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F98} **151** **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F98 S. 151 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Interpretation: companies

^{F99}**152** **U.K.**

Textual Amendments

F99 S. 152 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Interpretation: assets, liabilities and contracts

^{F100}**153** **U.K.**

Textual Amendments

F100 S. 153 repealed (1.10.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F101}**154** **U.K.**

Textual Amendments

F101 By 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26) it is provided (1.10.2002) that s. 154 is repealed

^{F102}**155** **U.K.**

Textual Amendments

F102 By 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26) it is provided (1.10.2002) that s. 155 is repealed

^{F103}**156** **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F103 By 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26) it is provided (1.10.2002) that s. 156 is repealed

F104 **157** **U.K.**

Textual Amendments

F104 S. 157 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Interpretation: other provisions

F105 **158** **U.K.**

Textual Amendments

F105 S. 158 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F106 **159** **U.K.**

Textual Amendments

F106 S. 159 repealed (with effect as mentioned in s. 79(3) of the amending Act) By 2002 c. 23, ss. 79(1)(b) (3), 141, **Sch. 40 Pt. 3(10)**, Note 2 (with Sch. 23, para. 25)

F107 **160** **U.K.**

Textual Amendments

F107 S. 160 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F108 **161** **U.K.**

Textual Amendments

F108 S. 161 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Status: Point in time view as at 21/07/2009.

*Changes to legislation: There are currently no known outstanding effects
for the Finance Act 1993, Part II. (See end of Document for details)*

F109 162 **U.K.**

Textual Amendments

F109 S. 162 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F110 163 **U.K.**

Textual Amendments

F110 S. 163 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F111 164 **U.K.**

Textual Amendments

F111 S. 164 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

Miscellaneous

F112 165 **U.K.**

Textual Amendments

F112 S. 165 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F113 166 **U.K.**

Textual Amendments

F113 S. 166 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

F114 167 **U.K.**

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

Textual Amendments

F114 S. 167 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F115}**168** **U.K.**

Textual Amendments

F115 S. 168 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F116}**168A** **U.K.**

Textual Amendments

F116 S. 168A repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

^{F117}**169** **U.K.**

Textual Amendments

F117 S. 169 repealed (24.7.2002 with effect as mentioned in s. 79(3) of the amending Act) by 2002 c. 23, ss. 79(1)(b), 141, **Sch. 40 Pt. 3(10)** Note 2 (with Sch. 23 paras. 25, 26)

170 **Amendments.** **U.K.**

Schedule 18 to this Act (which contains amendments) shall have effect.

CHAPTER III **U.K.**

LLOYD’S UNDERWRITERS ETC.

Modifications etc. (not altering text)

C9 Pt. II Chapter III applied (1.5.1995 with application as mentioned in s. 127(19) of the amending Act) by 1995 c. 4, s. 127(16)(a)(19)

C10 Pt. II Chapter III modified (1.12.1997 with effect with respect to accounting periods of Lloyd’s Scottish limited partnerships ending on or after that date) by S.I. 1997/2681, reg. 3(1)(a)

Status: Point in time view as at 21/07/2009.

*Changes to legislation: There are currently no known outstanding effects
 for the Finance Act 1993, Part II. (See end of Document for details)*

Main provisions

171 **Taxation of profits and allowance of losses.** **U.K.**

(1) Income tax for any year of assessment on the profits arising from a member's underwriting business shall be computed on the profits of that year of assessment.

(2) As respects the profits arising to a member from his underwriting business for any year of assessment—

[^{F118}(a) the aggregate of those profits shall be chargeable to tax under Chapter 2 of Part 2 of the Income Tax (Trading and Other Income) Act 2005 as the profits of a trade carried on in the United Kingdom; and

(b) accordingly, no part of those profits shall be treated as relevant foreign income, or be charged to tax under any other Part of that Act or any Part of the Income Tax (Earnings and Pensions) Act 2003;]

but nothing in this subsection shall affect the manner in which the amount of any profits arising from assets forming part of an ancillary trust fund is to be computed.

^{F119}(2A)

[^{F120}(2B) [^{F121}[^{F122}Sections 397(1) and [^{F123}397A(1)]] of the Income Tax (Trading and Other Income) Act 2005] (entitlement to tax credit) shall not apply where the distribution there mentioned is a distribution in respect of any asset of a member's [^{F124}premium] trust fund.]

^{F125}(3)

(4) Subsection (2) above does not apply in relation to any profits arising before 6th April 1993 from assets forming part of an ancillary trust fund.

Textual Amendments

F118 S. 171(2)(a)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 464\(2\)](#) (with [Sch. 2](#))

F119 S. 171(2A) repealed (31.7.1997 with effect in accordance with s. 36 and [Sch. 6 para. 20\(3\)](#) of the amending Act) by [1997 c. 58, ss. 36, 52, Sch. 6 para. 20\(2\)\(3\)](#), [Sch. 8 Pt. II\(11\)](#) Note

F120 S. 171(2B) inserted (31.7.1997 with effect in relation to distributions made on or after 2.7.1997) by [1997 c. 58, s. 22\(1\)\(7\)](#)

F121 Words in s. 171(2B) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 464\(3\)](#) (with [Sch. 2](#))

F122 Words in s. 171(2B) substituted (with effect in accordance with s. 34(2) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 12 para. 16](#)

F123 Word in s. 171(2B) substituted (with effect in accordance with [Sch. 19 para. 14](#) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 19 para. 11](#)

F124 Word in s. 171(2B) substituted (1.12.2001) by [S.I. 2001/3629, arts. 1\(2\), 82\(a\)](#)

F125 S. 171(3) repealed (3.5.1994 with effect for the year 1996-97 and subsequent years of assessment) by [1994 c. 9, ss. 228, 258, Sch. 21 para. 1\(2\)\(3\)\(b\)](#), [Sch. 26 Pt. V\(25\)](#) Note 2

Modifications etc. (not altering text)

C11 S. 171 modified (9.3.1995 with effect in relation to profits or losses of a member's underwriting business arising in the underwriting year 1994 or 1995) by [S.I. 1995/352, reg. 13](#)

Status: Point in time view as at 21/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1993, Part II. (See end of Document for details)

172 Year of assessment in which profits or losses arise. U.K.

(1) Subject to the provisions of this Chapter, for the purposes of section 171 above and all other purposes of the Income Tax Acts the profits or losses in any year of assessment of a member’s underwriting business shall be taken to be—

- [^{F126}(a) in the case of profits or losses arising directly from his membership of one or more syndicates, those of any previous year or years which are declared in the corresponding underwriting year;
- (b) in the case of profits or losses arising from assets forming part of a [^{F127}premium] trust fund, those allocated under the rules or practice of Lloyd’s to any previous year or years the profits or losses of which are declared in the corresponding underwriting year; and]
- (c) in the case of other profits or losses, those derived from payments received or made in the corresponding underwriting year.

(2) Subsection (1)(c) above does not apply in relation to payments received or made before 6th April 1993.

Textual Amendments

F126 S. 172(1)(a)(b) substituted (3.5.1994 with effect as mentioned in Sch. 21 para. 2(2) of the amending Act) by 1994 c. 9, s. 228, Sch. 21 para. 2(1)(2)

F127 Word in s. 172(1)(b) substituted (1.12.2001) by S.I. 2001/3629, arts. 1(2), 82(b)

Modifications etc. (not altering text)

C12 S. 172 modified (1.12.1997 with effect with respect to accounting periods of Lloyd’s Scottish limited partnerships ending on or after that date) by S.I. 1997/2681, reg. 6(1)(b)

^{F128}173 Assessment and collection of tax. U.K.

.....

Textual Amendments

F128 S. 173 repealed (20.7.2005 for specified purposes, 6.4.2006 in so far as not already in force) by Finance (No. 2) Act 2005 (c. 22), s. 45(1)(8)(9), Sch. 11 Pt. 2(11); S.I. 2005/3337, art. 3

Members’ trust funds

174 [^{F129}Premium] trust funds. U.K.

[^{F130}(1) For the purposes of the Income Tax Acts and the Gains Tax Acts—

- (a) a member shall be treated as absolutely entitled as against the trustees to the assets forming part of a [^{F131}premium] trust fund of his; and
- (b) where a deposit required by a regulatory authority in a country or territory outside the United Kingdom is paid out of such a fund, the money so paid shall be treated as still forming part of that fund.]

(2) Where an asset forms part of a [^{F131}premium] trust fund at the beginning of any underwriting year, for the purposes of the Income Tax Acts—

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- (a) the trustees of the fund shall be treated as acquiring it on that day, and
 - (b) they shall be treated as paying in respect of the acquisition an amount equal to the value of the asset at the time of the acquisition.
- (3) Where an asset forms part of a [^{F131}premium] trust fund at the end of any underwriting year, for the purposes of the Income Tax Acts—
- (a) the trustees of the fund shall be treated as disposing of it on that day, and
 - (b) they shall be treated as obtaining in respect of the disposal an amount equal to the value of the asset at the time of the disposal.

^{F132}(4)

^{F132}(5)

- (6) Subsections (2) to (5) above do not apply to FOTRA securities forming part of a member’s premiums trust fund at the beginning or end of any underwriting year if—
- (a) the member is not domiciled in the United Kingdom at any time in the year, and
 - (b) he is either not ordinarily resident in the United Kingdom during the year or a non-resident United Kingdom trader in the year.

(7) In this section—

“FOTRA securities” has the same meaning as in section 715 of the Taxes Act 1988 (exceptions from accrued income scheme);

“non-resident United Kingdom trader” shall be construed in accordance with subsection (5) of that section;

“underwriting year” does not include the year 1993 or any earlier underwriting year.

Textual Amendments

F129 S. 174: words in sidenote substituted (1.12.2001) by S.I. 2001/3629, arts. 1(2), 82(c)

F130 S. 174(1) substituted (3.5.1994 with effect for the year 1994-95 and subsequent years of assessment) by 1994 c. 9, s. 228, Sch. 21 para. 3

F131 Word in s. 174(1)(a)(2)(3) substituted (1.12.2001) by S.I. 2001/3629, arts. 1(2), 82(c)

F132 S. 174(4)(5) repealed (19.3.1997 with effect in relation to, and to transfers under, any arrangement made on or after such day as may be appointed by order) by 1997 c. 16, ss. 76, 113, Sch. 10 Pt. I paras. 6(a), 7(1), Sch. 18 Pt. VI(10) Note 1

175 Special reserve funds. U.K.

- (1) If arrangements are made by the Council of Lloyd’s which—
- (a) enable such a special reserve fund as is referred to in Part I of Schedule 20 to this Act to be set up in relation to each member; and
 - (b) comply with the requirements of that Part and are approved by the Board, the provisions of that Part relating to taxation shall have effect in relation to any special reserve fund of a member set up under the arrangements.
- (2) The arrangements may from time to time be varied with the consent of the Board.
- (3) If, after giving notice of their intention to do so to the Council of Lloyd’s, the Board cancel the approval which they have given with respect to the arrangements, paragraph

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3 of Schedule 20 to this Act shall not apply, in the case of any member, to any year of assessment after the year of assessment in which the approval is cancelled.

- (4) The provisions of Part II of Schedule 20 to this Act shall have effect as respects the winding up of any special reserve fund which—
- (a) was set up under the arrangements mentioned in section 452(1) of the Taxes Act 1988; and
 - (b) belongs to a member for whom a special reserve fund may be set up under the arrangements mentioned in subsection (1) above.

Modifications etc. (not altering text)

- C13** S. 175 excluded (1.12.1997 with effect with respect to accounting periods of Lloyd's Scottish limited partnerships ending on or after that date) by S.I. 1997/2681, **reg. 7**
- C14** S. 175(4) applied (with modifications) (9.3.1995 with application as mentioned in reg. 1 of the amending S.I.) by S.I. 1995/351, **regs. 1, 15(1)**

176 Ancillary trust funds. U.K.

- (1) A member shall be treated for the purposes of the Income Tax Acts and the Gains Tax Acts as absolutely entitled as against the trustees to the assets forming part of an ancillary trust fund of his.
- (2) The cost of acquisition and the consideration for the disposal of assets forming part of an ancillary trust fund—
- (a) shall be left out of account in computing for the purposes of income tax the profits or losses of the member’s underwriting business; and
 - (b) accordingly, shall not be excluded for the purposes of capital gains tax under section 37 or 39 of the Gains Tax Act.
- (3) None of the following provisions (which apply where an individual entitled to securities dies), namely—
- ^{F133}(a) section 636 of ITA 2007 (exception where there is a transfer to a legatee);]
 - ^{F134}(b)
 - ^{F134}(c)
 - ^{F134}(d)
- shall apply where the individual concerned is a member and the security concerned forms part of an ancillary trust fund of his.
- (4) In a case where subsection (3)(a) above applies, the deceased’s personal representatives shall be treated for the purposes of ^{F135}Part 12 of ITA 2007 and section] 728 of the Taxes Act 1988 as the transferor or transferee in relation to transfers of securities as to which the deceased was the transferor or transferee (as the case may be) in the interest period in which he died.

Textual Amendments

- F133** S. 176(3)(a) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 357(2)** (with **Sch. 2**)
- F134** S. 176(3)(b)-(d) repealed (29.4.1996 with effect in accordance with the provisions of Chapter II of Pt. IV of the amending Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V(3)**

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 for the Finance Act 1993, Part II. (See end of Document for details)*

F135 Words in s. 176(4) substituted (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 357\(3\)](#) (with [Sch. 2](#))

Modifications etc. (not altering text)

C15 S. 176 modified (1.12.1997 with effect with respect to accounting periods of Lloyd's Scottish limited partnerships ending on or after that date) by [S.I. 1997/2681](#), [reg. 5\(1\)](#)

Other special cases

F136 **177** **U.K.**

Textual Amendments

F136 S. 177 repealed (28.7.2000 with effect as mentioned in [s. 107\(12\)\(c\)](#) of the amending Act) by [2000 c. 17](#), ss. 107(11), 156, [Sch. 40 Pt. II\(16\)](#), note 2

178 **Stop-loss and quota share insurance.** **U.K.**

- (1) In computing for the purposes of income tax the profits of a member's underwriting business, each of the following shall be deductible as an expense, namely—
 - (a) any premium payable by him under a stop-loss insurance, and any repayment of insurance money paid to him under such an insurance;
 - (b) any amount payable by him into the High Level Stop Loss Fund, and any repayment of an amount paid to him out of that Fund; and
 - ^{F137}(c) where an amount is payable by him under a quota share contract—
 - (i) so much of that amount as exceeds the amount of transferred losses that are declared on or before the date the contract takes effect (“the declared amount”), or
 - (ii) if the contract does not take effect, the amount so payable under the contract.]
- (2) Subject to subsection (3) below, each of the following, namely—
 - (a) any insurance money payable to [^{F138}a member] under a stop-loss insurance in respect of a loss in his underwriting business; and
 - (b) any amount payable to a member out of the High Level Stop Loss Fund in respect of such a loss,
 shall be treated as a trading receipt in computing the profits arising from that business for the year of assessment which corresponds to the underwriting year in which the loss [^{F139}was declared].
- (3) Where, as respects the payment of any such insurance money or amount as is mentioned in subsection (2) above—
 - (a) the inspector is not notified of the payment at least 30 days before the time after which any assessment or further assessment of profits for the year of assessment is precluded by section 34 of the Management Act (ordinary time limit of six years), and

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- (b) the inspector is not entitled, after that time, to make any such assessment or further assessment by virtue of section 36 (fraudulent or negligent conduct) or 40(2) (assessment on personal representatives) of that Act,

that subsection shall have effect in relation to that insurance money or amount as if it referred instead to the year of assessment which corresponds to the underwriting year in which the payment is made.

[^{F140}(3A) Where the amount payable by a member under a quota share contract is less than the declared amount, the difference between the two amounts shall be treated as a trading receipt in computing the profits arising from the member’s underwriting business in the year of assessment which corresponds to the underwriting year in which the contract takes effect.

(3B) Where a member has entered a quota share contract, any amount paid by him to cover a cash call in respect of transferred losses that are not declared at the time the contract takes effect shall be treated—

- (a) for the purposes of subsection (1)(c)(i) and (3A) above, as an amount payable under the contract, and
(b) for the purposes of section 172, as a payment made at the time the contract takes effect.]

[^{F141}(4) For the purposes of this section—

“cash call” has the same meaning as in Part 1 of Schedule 20 to this Act;

“quota share contract” means any contract between a member and another person which—

- (a) is made in accordance with the rules or practice of Lloyd’s, and
(b) provides for that other person to take over any rights and liabilities of the member under any of the syndicates of which he is a member;

and where the taking over of a member’s rights and liabilities is conditional upon the occurrence of any event, the contract does not take effect until that event occurs; and

“transferred loss”, in relation to such a contract, means a loss for which that other person takes over liability under the contract (disregarding, in the case of a loss that has been declared at the time it is taken over, any part of it in respect of which the member has paid a cash call before that time).]

Textual Amendments

F137 S. 178(1)(c) substituted (24.7.2002 with effect as mentioned in s. 86(2) of the amending Act) by 2002 c. 23, s. 86, **Sch. 32 para. 2**

F138 Words in s. 178(2) substituted (3.5.1994 with effect as respects insurance money and other amounts payable in respect of losses declared in the underwriting year 1997 or subsequent underwriting years) by 1994 c. 9, s. 228, **Sch. 21 para. 5(1)(a)(2)**

F139 Words in s. 178(2) substituted (3.5.1994 with effect as respects insurance money and other amounts payable in respect of losses declared in the underwriting year 1997 or subsequent underwriting years) by 1994 c. 9, s. 228, **Sch. 21 para. 5(1)(b)(2)**

F140 S. 178 (3A)(3B) inserted (24.7.2002 with effect as mentioned in s. 86(2) of the amending Act) by 2002 c. 23, s. 86, **Sch. 32 para. 2**

F141 S. 178(4) substituted (24.7.2002 with effect as mentioned in s. 86(2) of the amending Act) by 2002 c. 23, s. 86, **Sch. 32 para. 4**

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Modifications etc. (not altering text)

C16 S. 178(3) excluded (9.3.1995 with effect as mentioned in reg. 1 of the amending S.I.) by [S.I. 1995/351](#), [regs. 1, 5\(1\)\(c\)](#)

Miscellaneous

179 Cessation: final year of assessment. U.K.

- (1) Subject to subsection (5) below, this section applies where a member ceases to carry on his underwriting business, whether by reason of death or otherwise.
- (2) Subject ^{F142} . . . to the provisions of any regulations made by the Board, the member's final year of assessment shall be that which corresponds to the underwriting year in which his deposit at Lloyd's is paid over to him or his personal representatives or assigns.
- ^{F143}(3)
- (4) For the purposes of section 171 above and all other purposes of the Income Tax Acts, any profits or losses arising to the member from his underwriting business which are not taken (by virtue of the provisions of this Chapter) to be profits or losses of an earlier year of assessment shall be taken to be profits or losses of his final year of assessment.
- (5) This section does not apply in any case where the member's deposit at Lloyd's is paid over to him or his personal representatives or assigns before 1st January 1993.

Textual Amendments

F142 Words in s. 179(2) repealed (3.5.1994 with effect in any case where the member dies after the end of 1993-94) by [1994 c. 9, ss. 228, 258, Sch. 21 para. 6\(1\)\(3\), Sch. 26 Pt. V\(25\)](#) Note 3

F143 S. 179(3) repealed (3.5.1994 with effect in any case where the member dies after the end of 1993-94) by [1994 c. 9, ss. 228, 258, Sch. 21 para. 6\(1\)\(3\), Sch. 26 Pt. V\(25\)](#) Note 3

Modifications etc. (not altering text)

C17 Ss. 179, 179A excluded (9.3.1995 with application as mentioned in reg. 1 of the amending S.I.) by [S.I. 1995/351](#), [regs. 1, 14\(2\)](#)

SS. 179, 179A excluded (1.12.1997 with effect with respect to accounting periods of Lloyd's Scottish limited partnerships ending on or after that date) by [S.I. 1997/2681](#), [reg. 4\(1\)](#)

[^{F144}179A] Death of member. U.K.

- (1) This section applies where a member ceases to carry on his underwriting business by reason of death.
- (2) For the purposes of assessing the profits of the member's underwriting business, the member shall be treated as having died at the end of the year of assessment which corresponds to the underwriting year immediately preceding that in which he actually died.
- (3) For the purposes of the Income Tax Acts—

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- (a) the carrying on of the member's underwriting business by his personal representatives shall not be treated as a change in the persons engaged in the carrying on of that business; and
- (b) subject to the provisions of any regulations made by the Board, the business shall be treated as continuing until the member's deposit at Lloyd's is paid over to his personal representatives.]

Textual Amendments

F144 S. 179A inserted (3.5.1994 with effect in any case where the member dies after the end of the year 1993-94) by 1994 c. 9, s. 228, **Sch. 21 para. 6(2)(3)**

Modifications etc. (not altering text)

C18 Ss. 179, 179A excluded (9.3.1995 with application as mentioned in reg. 1 of the amending S.I.) by S.I. 1995/351, **regs. 1, 14(2)**

Ss. 179, 179A excluded (1.12.1997 with effect with respect to accounting periods of Lloyd's Scottish limited partnerships ending on or after that date) by S.I. 1997/2681, **reg. 4(1)**

[^{F145}179B Conversion to limited liability underwriting **U.K.**

Schedule 20A to this Act (which makes provision for certain reliefs to be available where a member converts to limited liability underwriting) shall have effect.]

Textual Amendments

F145 S. 179B inserted (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 25 para. 2**

180 Underwriting profits to be [^{F146}relevant UK earnings etc]. **U.K.**

- (1) In relation to any member, all profits arising to him from his underwriting business—
 - (a) shall be treated for the purposes of the Income Tax Acts as immediately derived from the carrying on by him of that business, and
 - [^{F147}(b) accordingly, shall constitute—
 - (i) for the purposes of Part 4 of the Finance Act 2004, relevant UK earnings within section 189(2)(b) of that Act, and
 - (ii) income in relation to which the treatment in section 836(2) of ITA 2007 does not apply.]
- (2) This section does not apply in relation to profits of the year 1992-93 or earlier years of assessment.

Textual Amendments

F146 Words in s. 180 heading substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 358(3)** (with **Sch. 2**)

F147 S. 180(1)(b) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 358(2)** (with **Sch. 2**)

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Modifications etc. (not altering text)

C19 S. 180 excluded (1.12.1997 with effect with respect to accounting periods of Lloyd's Scottish limited partnerships ending on or after that date) by [S.I. 1997/2681](#), **reg. 8**

181 Lloyd’s underwriting agents. U.K.

In section 43 of the ^{M19}Finance Act 1989 (Schedule D: computation), subsections (6) and (7) (which extend certain time limits for persons permitted by the Council of Lloyd’s to act as underwriting agents at Lloyd’s) shall cease to have effect in relation to periods of account ending on or after 30th June 1993.

Marginal Citations

M19 1989 c. 26.

Supplemental

182 Regulations. U.K.

- (1) The Board may by regulations provide—
 - (a) for the assessment and collection of tax charged in accordance with section 171 above ^{F148} ;
 - (b) for making, in the event of any changes in the rules or practice of Lloyd’s, such amendments of this Chapter as appear to the Board to be expedient having regard to those changes;
 - (c) for modifying the application of this Chapter in cases where a syndicate continues after the end of its closing year or a member dies or otherwise ceases to carry on his underwriting business;
 - ^{F149}(ca) for modifying the application of this Chapter in relation to cases where assets forming part of a ^{F150} premium] trust fund are the subject of—
 - ^{F151}(i)
 - (ii) any such arrangements or agreements as are mentioned in ^{F152}section 569 (repos) or 613 (redemption arrangements) of ITA 2007; ||
 - (d) for giving credit for foreign tax.

^{F153}(2)

^{F153}(3)

^{F153}(4)

- (5) Regulations made, or deemed to have been made, under any of the following enactments (regulations about Lloyd’s underwriters), namely—
 - (a) section 451(1) or (1A) of the Taxes Act 1988,
 - (b) section 92(5) of the ^{M20}Finance Act 1989, or
 - (c) section 209(4) of the Gains Tax Act,

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which were in force immediately before 6th April 1992 shall continue in force for the year 1992-93 and subsequent years of assessment notwithstanding the repeal of that enactment by this Act, and shall be deemed to have been made under this section.

- [^{F154}(6) Any power to make regulations conferred by this section includes power to make—
- (a) different provision for different cases or different purposes, and
 - (b) incidental, supplemental or transitional provision and savings.]

Textual Amendments

- F148** Words in s. 182(1)(a) repealed (20.7.2005 for specified purposes, 6.4.2006 in so far as not already in force) by [Finance \(No. 2\) Act 2005 \(c. 22\)](#), s. [45\(2\)\(8\)\(9\)](#), Sch. 11 Pt. 2(11); S.I. 2005/3337, art. 3
- F149** S. 182(1)(ca) inserted (1.5.1995) by [1995 c. 4](#), s. [83\(2\)](#)
- F150** Word in s. 182(1)(ca) substituted (1.12.2001) by S.I. 2001/3629, arts. [1\(2\)](#), [82\(d\)](#)
- F151** S. 182(1)(ca)(i) repealed (19.3.1997 with effect in relation to, and to transfers under, any arrangement made on or after such day as may be appointed by order) by [1997 c. 16](#), ss. [76](#), [113](#), Sch. 10 Pt. I paras. [6\(a\)](#), [7\(1\)](#), [Sch. 18 Pt. VI\(10\)](#) Note 1
- F152** Words in s. 182(1)(ca)(ii) substituted (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. [1034\(1\)](#), [Sch. 1 para. 359](#) (with Sch. 2)
- F153** S. 182(2)-(4) repealed (3.5.1994 with effect for the year 1997-98 and subsequent years of assessment) by [1994 c. 9](#), ss. [228](#), [258](#), Sch. 21 para. 7, [Sch. 26 Pt. V\(25\)](#) Note 4
- F154** S. 182(6) inserted (20.7.2005 for specified purposes, 6.4.2006 in so far as not already in force) by [Finance \(No. 2\) Act 2005 \(c. 22\)](#), s. [45\(3\)\(8\)\(9\)](#); S.I. 2005/3337, art. 3

Marginal Citations

- M20** [1989 c. 26](#).

183 Consequential amendments. **U.K.**

- ^{F155}(1)
- ^{F156}(2)
- ^{F157}(3)
- ^{F158}(4) In section 710(14) of that Act (meaning of “business” and “premiums trust fund”), for the words “section 457” there shall be substituted the words “ section 184 of the Finance Act 1993 ”.
- (5) In the following provisions (which relate to nominees, trustees etc.), namely—
Section 720(3) of the Taxes Act 1988,
paragraph 18(1) of Schedule 4 to that Act,
paragraph 10(1) of Schedule 11 to the Finance Act 1989, and
paragraph 18(1) of Schedule 10 to the ^{M21}Finance Act 1990,
the words from “his special reserve fund” to the end shall be omitted.
- (6) In the following provisions (which relate to the death of a member), namely—
section 721(5) of the Taxes Act 1988,
paragraph 18(8) of Schedule 4 to that Act,
paragraph 10(6) of Schedule 11 to the Finance Act 1989, and
paragraph 18(6) of Schedule 10 to the ^{M22}Finance Act 1990,

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the words from “a special reserve fund” to the end shall be omitted.

- (7) In section 206(2) of the Gains Tax Act (Lloyd’s underwriters), after the words “subsection (1) above” there shall be inserted the words “ and section 174(1) of the Finance Act 1993 ”.
- (8) In section 209 of that Act (interpretation, regulations about underwriters etc.)—
- (a) in subsection (1), for the words “sections 450 to 456 of the Taxes Act” there shall be substituted the words “ Chapter III of Part II of the Finance Act 1993 ” and for the words “sections 450 to 456”, in the second place where they occur, there shall be substituted the words “ that Chapter ”; and
 - (b) in subsection (6), the words “or (4)” shall be omitted.

Textual Amendments

- F155** S. 183(1) repealed (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 3](#) (with [Sch. 2](#))
- F156** S. 183(2) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))
- F157** S. 183(3) repealed (3.5.1994 with effect for the year 1997-98 and subsequent years of assessment) by [1994 c. 9](#), ss. 228(2)(c)(4), 230, 258, [Sch. 26 Pt. V\(25\)](#) Note 1
- F158** S. 183(4)-(8) repealed (the repeals of subsections (4)-(6) having effect for the year 1994 and subsequent underwriting years and the repeals of subsections (7)-(8) having effect for the year of assessment 1994-95 and subsequent years of assessment) by [1993 c. 34](#), s. 213, [Sch. 23 Pt. III\(12\)](#) Notes 2, 4.

Marginal Citations

- M21** [1990 c. 29](#).
- M22** [1990 c. 29](#).

184 Interpretation and commencement. U.K.

- (1) In this Chapter, unless the context otherwise requires—
- “ancillary trust fund”, in relation to a member, does not include a [^{F159}premium] trust fund of his or his special reserve fund (if any) but, subject to that, means any trust fund required or authorised by the rules of Lloyd’s, or required by a members’ agent of his ^{F160} . . . ;
- “closing year”—
- (a) in relation to a year of assessment, means the year of assessment next but one following that year;
 - (b) in relation to an underwriting year, means the underwriting year next but one following that year; and
 - (c) in relation to a syndicate, means the closing year of the underwriting year for which it was formed;
- “the Gains Tax Act” means the ^{M23}Taxation of Chargeable Gains Act 1992 and
- “the Gains Tax Acts” means that Act and any other enactments relating to capital gains tax;
- “the High Level Stop Loss Fund” means the fund of that name which, under the rules of Lloyd’s, has been established for the year 1993 and subsequent underwriting years;

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“inspector” includes any officer of the Board;

“the Management Act” means the ^{M24}Taxes Management Act 1970;

“managing agent”, in relation to a syndicate and a year of assessment, means—

(a) the person registered as a managing agent at Lloyd’s who was acting as such an agent for the syndicate at the end of the corresponding underwriting year, or

(b) such other person as may be determined in accordance with regulations made by the Board;

“member” means [^{F161}an individual who is a member of Lloyd’s and] is or has been an underwriting member;

“members’ agent”, in relation to a member of a syndicate and a year of assessment, means—

(a) the person registered as a members’ agent at Lloyd’s who was acting as such an agent for the member at the end of the corresponding underwriting year, or

(b) if two or more such persons were so acting and one of them was appointed by the member to be responsible for complying with the requirements of [^{F162}the Lloyd’s Underwriters (Tax) Regulations 2005] in relation to all of the syndicates of which he is a member, that person, or

(c) if two or more such persons were so acting and none of them was so appointed, the person who was so acting for the member in his capacity as a member of the syndicate, or

(d) such other person as may be determined in accordance with regulations made by the Board;

[^{F163}“premium trust fund” means a trust fund into which premiums receivable by members are paid in compliance with a trust deed under [^{F164}Rule 8.2.19 of the Insurance Prudential Sourcebook] made by the Financial Services Authority under the Financial Services and Markets Act 2000 ^{F165}];

“prescribed” means prescribed by regulations made by the Board;

“profits” includes gains;

“special reserve fund”, unless the contrary intention appears, means a special reserve fund set up under the arrangements mentioned in section 175(1) above;

“stop-loss insurance” means any insurance taken out by a member against losses in his underwriting business [^{F166}, except insurance taken out by entering a quota share contract (within the meaning of section 178 above)];

“syndicate” means a syndicate of underwriting members of Lloyd’s formed for an underwriting year;

“underwriting business”, in relation to a member, means his underwriting business as a member of Lloyd’s, whether carried on personally or through an underwriting agent, and does not include any other business carried on by him, and in particular, where he is himself an underwriting agent, does not include his business as such an agent;

“underwriting year” means the calendar year.

(2) For the purposes of this Chapter—

(a) an underwriting year and a year of assessment shall be deemed to correspond to each other if the underwriting year ends in the year of assessment;

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- (b) the profits or losses of a member's underwriting business include profits or losses arising to him from assets forming part of a [^{F167}premium] trust fund or an ancillary trust fund; and
- (c) any charge made on a member by the [^{F168}managing agent] of a syndicate of which he is a member, and any expense incurred on his behalf by the [^{F168}managing agent] of such a syndicate, shall be treated as expenses arising directly from his membership of that syndicate.
- (3) Subject to any provision to the contrary, the provisions of this Chapter have effect for the year 1992-93 and subsequent years of assessment.

Textual Amendments

- F159** S. 184(1): word in the definition of "ancillary trust fund" substituted (1.12.2001) by [S.I. 2001/3629, arts. 1\(2\), 82\(e\)](#)
- F160** Words in definition in s. 184(1) repealed (3.5.1994 with effect for the year 1994-95 and subsequent years of assessment) by [1994 c. 9, ss. 228, 258, Sch. 21 para. 8\(1\)\(a\), Sch. 26 Pt. V\(25\)](#) Note 6
- F161** Words in definition in s. 184(1) substituted (3.5.1994 with effect for the year 1994-95 and subsequent years of assessment) by [1994 c. 9, s. 228, Sch. 21 para. 8\(1\)\(b\)](#)
- F162** Words in s. 184(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 16](#)
- F163** S. 184(1): definition of "premium trust fund" substituted (1.12.2001) by [S.I. 2001/3629, arts. 1\(2\), 79](#)
- F164** Words in s. 184(1) substituted (31.12.2006) by [The Lloyds Sourcebook \(Finance Act 1993 and Finance Act 1994\) \(Amendment\) Order 2006 \(S.I. 2006/3273\), arts. 1, 2](#)
- F165** This sourcebook is part of the FSA Handbook. The FSA Handbook may be purchased on paper and on CD Rom from the Publications Department (Sales), Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS and is available on line at www.fsa.gov.uk.
- F166** S. 184(1): words in definition of "stop-loss insurance" inserted (24.7.2002 with effect as mentioned in [s. 86\(2\)](#) of the amending Act) by [2002 c. 23, s. 86, Sch. 32 para. 5](#)
- F167** Word in s. 184(2)(b) substituted (1.12.2001) by [S.I. 2001/3629, arts. 1\(2\), 82\(e\)](#)
- F168** Words in s. 184(2)(c) substituted (3.5.1994 with effect for the year 1994-95 and subsequent years of assessment) by [1994 c. 9, s. 228, Sch. 21 para. 8\(2\)](#)

Modifications etc. (not altering text)

- C20** S. 184 applied (1.5.1995 with application as mentioned in [s. 127\(19\)](#) of the amending Act) by [1995 c. 4, s. 127\(16\)\(b\)\(19\)](#)

Marginal Citations

- M23** [1992 c. 12.](#)
- M24** [1970 c. 9.](#)

Status:

Point in time view as at 21/07/2009.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 1993, Part II.