



Income Tax (Trading and Other Income) Act 2005

2005 CHAPTER 5

PART 2

TRADING INCOME

CHAPTER 11

TRADE PROFITS: OTHER SPECIFIC TRADES

Cemeteries and crematoria

170 Deduction for capital expenditure

- (1) This section applies if, in the relevant period, an interest in land in the cemetery or memorial garden is sold with a view to the land being used—
 - (a) for the purpose of interments, or
 - (b) for memorial garden plots.
- (2) A deduction is allowed for—
 - (a) capital expenditure incurred by the trader, or a predecessor, on the purchase of an interest in the land or on the preparation of the land, and
 - (b) ancillary capital expenditure allocated to the relevant period under section 171 (allocation of ancillary capital expenditure).
- (3) But no expenditure is to be brought into account—
 - (a) under both paragraphs (a) and (b) of subsection (2),^{F1}...
 - (b) under both subsection (2)(a) above and [^{F2}section 147(2)(b) of CTA 2009] (relief for corporation tax purposes) or under both subsection (2)(b) above and [^{F2}section 147(2)(a) of CTA 2009], [^{F3}or

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Changes to legislation: There are currently no known outstanding effects for the Income Tax (Trading and Other Income) Act 2005, Section 170. (See end of Document for details)

- (c) under both subsection (2)(b) above and section 172ZB(4), 172ZC(4) or 172ZD(3).]
- whether for the same or different periods of account.
- (4) Any purchase price paid on a sale in connection with a change in the persons carrying on the trade is ignored in calculating the amount of the deduction.
- (5) No deduction is allowed for any expenditure which is excluded by section 172 (exclusion of expenditure met by subsidies).

Textual Amendments

- F1** Word in s. 170(3)(a) omitted (1.3.2012) by virtue of [The Enactment of Extra-Statutory Concessions Order 2012 \(S.I. 2012/266\)](#), arts. 1, [4\(3\)\(a\)](#) (with art. 4(5))
- F2** Words in s. 170(3)(b) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 603](#) (with Sch. 2 Pts. 1, 2)
- F3** S. 170(3)(c) and word inserted (1.3.2012) by [The Enactment of Extra-Statutory Concessions Order 2012 \(S.I. 2012/266\)](#), arts. 1, [4\(3\)\(b\)](#) (with art. 4(5))

Status:

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There are currently no known outstanding effects for the Income Tax (Trading and Other Income) Act 2005, Section 170.