



Corporation Tax Act 2010

2010 CHAPTER 4

PART 22 U.K.

MISCELLANEOUS PROVISIONS

CHAPTER 1 U.K.

TRANSFERS OF TRADE WITHOUT A CHANGE OF OWNERSHIP

Effect of Chapter in relation to transfers to which it applies

948 Modified application of CAA 2001 U.K.

- (1) If this Chapter applies to a transfer of a trade, CAA 2001 has effect subject to subsections (2) to (4).
- (2) Any allowances or charges are to be made to or on the successor if such allowances or charges would have been made to or on the predecessor had the predecessor continued to carry on the transferred trade.
- (3) A transfer of assets from the predecessor to the successor does not of itself give rise to any allowances or charges if—
 - (a) the transfer of the assets is made on the transfer of the transferred trade, and
 - (b) the assets are in use for the purposes of that trade.
- (4) For the purpose of determining the amount of the allowances or charges mentioned in subsection (2) to be made to the successor—
 - (a) the successor is to be treated as if it has been carrying on the transferred trade since the predecessor began to do so, and
 - (b) anything done to or by the predecessor is to be treated as having been done to or by the successor.
- (5) This section is subject to sections 949 and 950.

Status: Point in time view as at 11/07/2023.

Changes to legislation: Corporation Tax Act 2010, Section 948 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) For other cases in which this section does not apply in relation to a transfer, see—
- [^{F1}(za) section 398G of this Act (sale of lessors: transfers into and out of A after election under section 398A),]
 - (a) section 561 of CAA 2001 (transfer to company in another member State), and
 - (b) section 561A of that Act (transfer during formation of SE by merger).

Textual Amendments

- F1** S. 948(6)(za) inserted (with effect in accordance with Sch. 6 para. 27 of the amending Act) by [Finance Act 2011 \(c. 11\)](#), [Sch. 6 para. 24](#)

Modifications etc. (not altering text)

- C1** S. 948 excluded by Capital Allowances 2001 (c. 2), s. 561A(2)(c) (as substituted (with effect in accordance with s. 1184(1) of the amending Act) by [2010 c. 4](#), s. 1184(1), [Sch. 1 para. 361](#) (with [Sch. 2](#)))

Status:

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