



Income and Corporation Taxes Act 1988

1988 CHAPTER 1

PART IV

PROVISIONS RELATING TO THE SCHEDULE D CHARGE

CHAPTER VIII

MISCELLANEOUS AND SUPPLEMENTAL

128 Commodity and financial futures etc.: losses and gains. ^{M1}

[^{F1}(1)] [^{F2}For the purposes of income tax,] any gain arising to any person in the course of dealing in commodity or financial futures or in qualifying options, which [^{F3}is not chargeable to tax in accordance with Schedule 5AA and][^{F4}apart from this subsection] would constitute profits or gains chargeable to tax under Schedule D otherwise than as the profits of a trade, shall not be chargeable to tax under [^{F5}Schedule D].

[^{F6}(2)] For the purposes of corporation tax, any gain arising to any company in the course of dealing in financial futures or in qualifying options, which apart from this subsection would constitute profits or gains chargeable to tax under Schedule D otherwise than as the profits of a trade, shall not be chargeable to tax under Case V or VI of Schedule D.]

[^{F7}(3)] In this section “commodity or financial futures” and “qualifying options” have the same meaning as in section [^{F8}143 of the 1992 Act], and the reference to a gain arising in the course of dealing in commodity or financial futures includes any gain which is regarded as arising in the course of such dealing by virtue of subsection [^{F8}(3)] of that section.

Textual Amendments

- F1** Words in s. 128 renumbered as s. 128(1) (with effect in accordance with s. 83(3) of the amending Act) by virtue of Finance Act 2002 (c. 23), Sch. 27 para. 3(1)(a) (with Sch. 28)

Status: Point in time view as at 24/07/2002. This version of this provision has been superseded.

Changes to legislation: Income and Corporation Taxes Act 1988, Section 128 is up to date with all changes known to be in force on or before 27 June 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)

- F2** Words in s. 128(1) inserted (with effect in accordance with s. 83(3) of the amending Act) by Finance Act 2002 (c. 23), **Sch. 27 para. 3(1)(b)** (with Sch. 28)
- F3** Words in s. 128 inserted (with effect in accordance with s. 80(6) of the amending Act) by Finance Act 1997 (c. 16), **s. 80(3)(a)**
- F4** Words in s. 128(1) substituted (with effect in accordance with s. 83(3) of the amending Act) by Finance Act 2002 (c. 23), **Sch. 27 para. 3(1)(c)** (with Sch. 28)
- F5** Words in s. 128 substituted (with effect in accordance with s. 80(6) of the amending Act) by Finance Act 1997 (c. 16), **s. 80(3)(b)**
- F6** S. 128(2) inserted (with effect in accordance with s. 83(3) of the amending Act) by Finance Act 2002 (c. 23), **Sch. 27 para. 3(2)** (with Sch. 28)
- F7** Words in s. 128 renumbered as s. 128(3) (with effect in accordance with s. 83(3) of the amending Act) by virtue of Finance Act 2002 (c. 23), **Sch. 27 para. 3(3)** (with Sch. 28)
- F8** Words in s. 128 substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10 para. 14(7)** (with ss. 60, 101(1), 171, 201(3)).

Marginal Citations

- M1** Source—1985 s.72(1), (2); 1987 (No.2) s.81(1)

Status:

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