



# Income and Corporation Taxes Act 1988

## 1988 CHAPTER 1

### PART VII

#### GENERAL PROVISIONS RELATING TO TAXATION OF INCOME OF INDIVIDUALS

### CHAPTER II

#### TAXATION OF INCOME OF SPOUSES

##### *General rules*

##### **[<sup>F1</sup>282A Jointly held property.**

- (1) Subject to the following provisions of this section, income arising from property held in the names of a husband and his wife shall for the purposes of income tax be regarded as income to which they are beneficially entitled to equal shares.
- (2) Subsection (1) above shall not apply to income to which neither the husband nor the wife is beneficially entitled.
- (3) Subsection (1) above shall not apply to income—
  - (a) to which either the husband or the wife is beneficially entitled to the exclusion of the other, or
  - (b) to which they are beneficially entitled in unequal shares, if a declaration relating to it has effect under section 282B.
- (4) Subsection (1) above shall not apply to—
  - (a) earned income, or
  - (b) income which is not earned income but to which section 111 applies.

[ Subsection (1) above shall not apply to income consisting of a distribution arising <sup>F2</sup>(4A) from property consisting of—

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*Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.*

*Changes to legislation: Income and Corporation Taxes Act 1988, Section 282A is up to date with all changes known to be in force on or before 30 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)*

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- (a) close company shares to which either the husband or the wife is beneficially entitled to the exclusion of the other, or
- (b) close company shares to which they are beneficially entitled in equal or unequal shares.

In this subsection “close company shares” means shares in or securities of a close company; and for this purpose “shares” and “securities” have the same meaning as in Part 6 (see section 254).]

- (5) Subsection (1) above shall not apply to income to which the husband or the wife is beneficially entitled if or to the extent that it is treated by virtue of any other provision of the Income Tax Acts as the income of the other of them or of a third party.
- (6) References in this section to a husband and his wife are references to a husband and wife living together.]

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**Textual Amendments**

- F1** Ss. 282A, 282B inserted (1990-91 and subsequent years) by [Finance Act 1988 \(c. 39\), s. 34](#)
- F2** S. 282A(4A) inserted (with effect in accordance with [s. 91\(3\)](#) of the amending Act) by [Finance Act 2004 \(c. 12\), s. 91\(2\)](#)

**Status:**

Point in time view as at 22/07/2004. This version of this provision has been superseded.

**Changes to legislation:**

Income and Corporation Taxes Act 1988, Section 282A is up to date with all changes known to be in force on or before 30 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.